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CRIME IN MASS TRANSIT

HEARING

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

SPECIAL HEARING

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CRIME IN MASS TRANSIT

MONDAY, SEPTEMBER 17, 1990

U.S. SENATE,
SUBCOMMITTEE ON TRANSPORTATION
AND RELATED AGENCIES,
COMMITTEE ON APPROPRIATIONS,
New York, NY.

The subcommittee met at 12 noon in the Court of International Trade, One Federal Plaza, New York, NY, Hon. Frank R. Lautenberg (chairman) presiding.

Present: Senators Lautenberg and D'Amato.

NONDEPARTMENTAL WITNESSES

OPENING REMARKS OF SENATOR LAUTENBERG

Senator LAUTENBERG. I now call the hearing of the Subcommittee on Transportation of the Committee on Appropriations to order.

We are here today in the wake of a tragedy that the whole Nation felt and the entire world knew about, the senseless and brutal assault on the Watkins family and the murder of their son Brian. We are grateful that the Watkins family joined us today.

Senator D'Amato and I had a chance to talk with the members of the Watkins family, Mr. and Mrs. and Todd and his wife Michelle, and to express our appreciation for the fact that they have attended this hearing in the interest of preventing this kind of situation from developing in the future.

Perhaps all of us working together, which I think is a message that you have conveyed so eloquently, perhaps we can prevent this kind of a tragedy from occurring the future. And I am grateful, and I know I speak for Senator D'Amato, who will be making his own comments, to thank you for your willingness to give us your advice, your comments in the interests of a better world tomorrow.

The people in New York have a right to expect when they get on a subway or a bus that they are going to have a safe ride. Often they do not get to work or to school or home without frightening incidents.

The sad fact is that Brian Watkins was not the only victim. With alarming frequency subway and bus riders are robbed, assaulted, and, as we know, even killed. No one who rides a subway can honestly say they are not worried, that they are not constantly looking over their shoulder in anticipation of potential danger.

And we are not talking just about out-of-towners who do not know the difference between the IRT and the BMT, we are talking about seasoned straphangers, people from outside in the suburbs or people in New York who ride the subway every day and people from my State across the river in New Jersey who come into the city, whether by bus or PATH, or sometimes driving in and then take a subway for the remainder of their journey to get to work and back, or just to enjoy the city.

This tragic murder shines a spotlight on the crime problem. Crime plagues our Nation's biggest and oldest cities and their urban transit systems, and New York is not alone. For cities like New York and Chicago, fighting crime is part of running a transit system. And you also know that in other cities around the country, we experience similar horrible incidents.

They have transit police forces here that are bigger than the police departments in most of our cities, and they have a tough job. The brave and dedicated transit cops who walk the platforms and ride the trains every day have a big and very difficult job. Fighting crime is part of running the system. It is part of the budget as well.

It is part of the operating budget that has to pay to run and maintain the trains, to collect the tokens and manage the system. These budgets are strained and there is pressure on the farebox.

I would like to defer the balance of my comments until we hear from the Watkins family. And I think that in fairness to the Watkins family, we will deal with the problems of funding and budgets later in the hearing.

The family, through Todd, has requested that the family stay and hear the testimony and, of course, they are welcome to do just that. They have also asked to be excused from any comments to or questions from the press.

I would now call on my distinguished colleague from this State, who has taken such an active role in crime fighting and trying to interdict the flow of drugs, to do right by the citizens of this State whom he represents so diligently and so effervescently, I might say, at times. He is someone with whom I often share the same agenda, and with perhaps an occasionally differing point of view.

Nevertheless, we know what a problem crime is and that we must deal with our transit problems in a different way than we have done in the past. Senator D'Amato.

STATEMENT OF HON. ALFONSE M. D'AMATO

Senator D'AMATO. Well, Mr. Chairman, first let me, on behalf of all New Yorkers, thank you for so expeditiously responding to my request for this hearing.

I say this to the Watkins family because that is not usually the way of congressional business. But I think as Senator Lautenberg has so eloquently expressed, yours is the story that has touched all Americans.

Maybe Brian's tragic death will give us an opportunity to galvanize ourselves to do the business of the people, to reorder our priorities, and to bring a sense of purposefulness to our undertakings in Government that so often is lost.

I want to thank you, Mr. Chairman, and let me thank the Watkins family once again for their generosity. Theirs is the generosity of hope and spirit that they have demonstrated by coming to today's hearing.

And I want to apologize to you for the brutal killing that took Brian's life and to tell you how very sorry all New Yorkers are, as a matter of fact, all Americans and all citizens are who came to learn of this tragedy.

As families we all feel your loss and we share your grief. The whole city has been diminished by the loss of Brian Watkins. I want you to know that New Yorkers are good and caring people. This is a city of compassionate people who are outraged and shocked by the increasing violence against innocent people that surrounds them. This violence is occurring with too much frequency. The hearts of all New Yorkers are with you.

And on a personal note, and as a parent, I cannot imagine anything more tragic than the loss of a child. As a family you have, in a very meaningful way, challenged Government officials to try to find better ways to fight crime and to protect innocent citizens.

I have proposed shifting money from one area to another, and we will get into that later as Senator Lautenberg has asked. But, you see, I think our most important priority is to protect our citizens. Unfortunately, I think our priorities somehow have become distorted.

Crime today in many of our urban centers, and New York is no exception, is the No. 1 problem. It should be dealt with accordingly and resources must be allocated to deal with it.

The purpose of this hearing is to explore various options that must enable us to deal with this intolerable situation that is placing New York City under siege.

It is essential that we hear from you, and we thank you once again, because the message that you send today will be heard not just here, but throughout New York and the U.S. Congress. Your message can be one that will help ensure that we in Government are committed to working and fighting to reduce and eliminate these tragedies. We certainly look forward to your comments.

Mr. Chairman, I ask that I may be permitted to insert the full text of my remarks in the hearing record at an appropriate time after we hear from the Watkins family.

Senator LAUTENBERG. Without objection.

Now, Todd, if you will, just give us your comments.

STATEMENT OF TODD WATKINS

Mr. WATKINS. OK. First off, I would to thank Senator D'Amato for the invitation to come here today and we would like to deliver a brief statement that we have prepared as a family.

The death of our brother Brian, our son, and our brother Brian Watkins has shocked the city of New York as well as the country. It has made the people in this country realize that there is no safe place anymore and that crime is running rampant.

When this country was founded over 200 years ago, one of our founding fathers, Mr. Thomas Jefferson, wrote a great work, the Declaration of Independence. In it he stated that as humans and as Americans we needed to be guaranteed by our Government certain

inalienable rights, which are life, liberty, and the pursuit of happiness. Unfortunately, now these rights are being challenged by the escalation in crime that we are experiencing in this country.

According to the statistics that we have received, felonies in the New York City subways are up 17 percent this year, robberies are up 22 percent and murders in the last 20 years have jumped 70 percent.

Now, if these statistics were referring to inflation, there would be a state of emergency very great in this country, and it is about time that something was done about the state of crime in this country.

We, therefore, applaud the proposal of Senator Alfonse D'Amato to hire 4,400 new police officers to protect the citizens of New York City. We feel that this is a step in the right direction to eventually solving the problem we are experiencing now with crime.

We think the key to making effective use of these 4,400 new officers is in their deployment. They need to be deployed carefully in preventative measures.

The situation that we experienced in the subway station at 53d Street and Seventh Avenue could have been prevented, we feel, had there been an armed security guard in that station, because the criminals who perpetrated the crime upon us did not pay to get into the subway, they hopped the turnstiles to get into the subway and there was no one there to prevent them from doing that.

There is no reason why there should not or could not be an armed security guard in every station 24 hours around the clock. We feel that it would not only provide immediate help if a crime did occur but would also serve as a deterrent for those who were thinking of committing crime.

Another suggestion we have is to consult with the police, consult with those officers who are actually out there fighting crime every day, because they are most familiar with the circumstances. They have a lot of good ideas on how to deal with and prevent the crimes that occur.

While the installment of more police is a great idea, it is definitely not the only solution. The police alone cannot stem the wave of violent crime in this country; it is also going to take community involvement. It cannot be the police versus the criminals, it must be every one of us versus the criminals.

We need to educate the public on how to respond in an emergency situation. And we would stress to use the media and public service announcements to accomplish this. If we can organize effective neighborhood watch programs to go along with this education, we all together can stamp out crime. And that is the only way that we can do it is by all of us pulling together.

We cannot afford to be complacent in our efforts to combat crime. Complacency breeds contentment. If we all work together we can make our city, our country a safer place for all of us to live.

In conclusion, we would also like to thank the city of New York for having us here today, and thank the many people here in New York for their responses, their letters, everything, all the support they have given us throughout this tragedy.

And we would also like to thank Senator Lautenberg and Senator D'Amato for having us here today.

Senator LAUTENBERG. Thank you very much. Mr. Watkins or Mrs. Watkins, would either of you like to say anything? Please do.

STATEMENT OF KAREN WATKINS

Mrs. WATKINS. I just have one thing to say about the crime that was perpetrated on us.

Senator LAUTENBERG. If you would bring that microphone just a little closer, we would like to hear what you have to say.

Mrs. WATKINS. I have to agree with my son that the crime that was perpetrated on us, if there had been either an armed security guard of the transit system or a policeman somewhere nearby that could have assisted us with some sort of help, I think maybe it may have turned out different.

I am not saying it would have, but at the time we really had no one to turn to except to run out onto the street and try and find a phone or find someone that would make a telephone call for us.

If there had been an armed security guard there that could have immediately called 911 or had assisted us in some way in getting hold of a policeman, I think maybe the circumstances could have possibly been different for us.

Senator LAUTENBERG. We thank you very much for your comments. The one thing I think all of us learned and that is that your son Brian loved New York City, apparently he was a tennis player and loved the sport, and I am sure would have admired the enthusiasm and the support that having those matches played in this the premiere city of our country meant.

And we have learned that you are people who look for your satisfaction and prevention almost more than punishment. And I hear it in your comments and have heard it in your public statements before, and we are grateful to you.

What we want to do today is to make sure that whatever we can do, we in the U.S. Senate, the Federal Government, to put things in place to prevent such an incident that we do.

We applaud the deployment of more police officers, of more personnel to prevent this because the transit systems are rendered useless if people are reluctant or afraid to use them. And your message about engaging the whole public I think has been reechoed by the mayor of New York, and we have got to do that. Complacency, Todd, is the word you used.

There is a feeling that complacency is participation in a crime in many ways. Silence only harms the victim and that can no longer be. Your message, your statement will help.

I want to ask you just a couple of questions. Were you aware or did you feel threatened before the assault took place, was there anything that you sensed that alerted you to the fact that you might be subject to that kind of an attack?

Mrs. WATKINS. I do not think there was anything that really alerted us. Maybe in looking back we should have maybe been a little more careful as we watched these young boys run into the subway and not pay the toll, you know, jump the turnstile. And one boy, you know, let the others in. And maybe we should have been a little more aware that maybe they were going down there to do something, but we were not. We just thought they did not want to pay the fare and they were running to catch a train. And so I

really do not think that there was anything that would have really made us aware at the time.

Senator LAUTENBERG. Certainly the messages that go out are that everybody has to be on the alert at all times personally, as well as that we need a force out there to prevent attacks like this.

How long did it take to get assistance after the attack on your family?

Mr. WATKINS. As far as assistance actually from someone other than just a citizen, it took about 10 minutes before anyone ever showed up to assist us.

We did, fortunately, receive some assistance from private citizens who did help us call 911, they were there trying to help out. But as far as any assistance from any emergency people, any people who were trained to react in emergency situations, it took 10 minutes.

Senator LAUTENBERG. Do you know how they conveyed the 911 message, was there a phone on the platform, or did they have to run outside?

Mr. WATKINS. Go ahead and answer because you are the one who called.

Mrs. WATKINS. OK. Well I had asked the token clerk to call 911 and he just ignored me, so I ran outside and there were two pay phones out there that were being used at the time by two gentlemen, and I asked them, I said I needed to call 911.

And there was a gentleman at the top of the stairs that asked me what was wrong and I told him. And he said that there was a phone back down inside the subway that you had to go through the turnstile to use the phone.

And so he went back down in and jumped the turnstile and opened the exit door for me so I could use the phone inside the subway.

Senator LAUTENBERG. The person in the tollbooth ignored your request for help?

Mrs. WATKINS. Yes, he did.

Senator LAUTENBERG. Did he respond at all?

Mrs. WATKINS. Not at all. He never said a word to me at all.

Senator LAUTENBERG. You indicated to him how serious things were?

Mrs. WATKINS. Yes, I did, and my son was lying not more than 5 feet from him, but he did not respond.

Senator LAUTENBERG. There is a whole system of people and operations that have to function and one cannot predict an outcome and should not dare, but there is more than just police involved. This is a total functioning system and particularly the citizens of this city, as Senator D'Amato said it, the fact that I live across the river and was brought up there, does not in any way deter me from loving this city, from having visited here many times over my lifetime. But the fact is that citizen indifference, wherever it is, is an unacceptable, intolerable condition, and we see too much of that.

So with that, I once again thank you for your comments and would invite Senator D'Amato to ask any questions that he might have.

Senator D'AMATO. Mr. Chairman, I am not going to ask any questions, but I am going to say that this tragedy and its horrible dimensions should challenge government officials to wake up and

dedicate themselves to making our subways safer. To see this magnificent family so giving, so caring, coming once again to revisit a place that has brought them such grief should be a lesson and an inspiration to us all.

If the institutional mentality of those charged with the responsibility of law enforcement, charged with the responsibility of transit management, charged with attempting the governance of this city continue in an inflexible manner without recognizing what is taking place and has taken place all too often, there have been too many riots.

Maybe the horror of this case, of an all-American family coming to New York City and being set upon, shocks our conscience. But they also are nameless, faceless, countless other people who have been victims of transit crime. It is for them too that we hold these hearings today.

I have to tell you something, to be quite candid, Mr. Chairman, regarding the proposal that we put forward which would take transportation capital funds and permit, in a crisis, an emergency, to use them for law enforcement. And that is that we must get our priorities straight. I am not wed to any particular figures as to how many police are needed, whether it should be 1,400, 1,300, 1,200, 1,100, 1,000 in a particular unit or 4,000 someplace else. But every leader in government acknowledges that we need more resources in the way of law enforcement.

I think Todd said it so well, it is not just police in and of itself, it has got to be more than that. There has got to be community involvement, and you have got to have a judiciary to follow through, and you have got to have a law enforcement system that works, and you have got to have education, and you have got to have the media involved.

And complacency, you could not have said it more eloquently, it really brings about contempt. We have a generation of young people who have contempt for the system, utter contempt. If they do not respect themselves, how are they going to respect anybody else out there.

What bothers me, Mr. Chairman, is that we are already beginning to get into the turf business. I do not mean you and me, but the transportation bureaucrats whose funds we would reallocate. Already, they are complaining about projects that would go unfunded if the moneys were spent on law enforcement. I read one statement where they said we already are fixing the New York subways to make them more crime proof. That is hokum.

In 1984, I held a hearing on transit crime in this courtroom, and I can tell you that precious little has been done since then to fight crime. For example, to seal off those subway areas where criminals would literally drag people to assault them. I am beginning to hear the same institutional kind of rhetoric coming out of the TA and other places regarding their efforts to make transit facilities safer, and I do not think it is good enough.

Senator LAUTENBERG. I wonder if we can excuse the Watkins family and then we can go on with this.

Senator D'AMATO. Mr. Chairman, I just share with the Watkins family the fact that I would hope their great sacrifice, and their revisiting this city, which has got to be very painful, would serve as

a reminder to those of us in government that we must put aside the institutional mentality of protecting turf, et cetera, and be open to programs or suggestions that could make a real difference in making public transit safer.

I wanted to say that while they are here, and once again express the appreciation of the people of the city of New York and tell you how deeply we all share and feel about your tragedy. Thank you.

Senator LAUTENBERG. Thank you very much. The Watkins family has asked, as I said earlier, that they could sit in, of course they are welcome to do that as long as they please. There are seats right here in the front.

I will call on the Congresswoman from Staten Island and Brooklyn, Susan Molinari to testify. I think that we can have your colleague in government, the borough president of Staten Island sit at the table with you, we will hear from him in a moment.

Before we do I would like to continue with the comments that I wanted to make as an opening statement and hope that you folks will have the time to stay with us and let us hear fully from you.

But as I said earlier, fighting crime is part of the budget of operating these systems. There is all kinds of pressure on the farebox to upgrade the system to make it more secure, safer, and more efficient; to make it cleaner, more pleasant, and less threatening, and you cannot do that by just providing one resource at the expense of others.

Unfortunately, we have not had any help from the administration, from the present one or the previous one. Our distinguished colleague and former colleague and friend, the borough president, knows very well when he was in Washington that he had a fight on his hands constantly to try and address the needs of his city and his community.

And since this hearing is about many things, but in particular about how we deal with the budget necessary to accommodate our needs, I am compelled to remind everybody that for many years now, throughout the 1980's, President Reagan and now President Bush have tried to slash aid to operate transit systems like New York's and New Jersey's.

This year the proposal from the administration was to do nothing, to do nothing to help the transit system. They proposed that any city over 1 million people would get zero help.

But we passed a bill, nevertheless, that held the line. But it is hard to hold the line year after year after year in face of opposition from the White House and OMB. And instead of barely holding the line we need to do more.

And I remind our friends at the witness table, as well as my colleague at this table, that a program that was called Revenue Sharing in 1980 was $4 billion, it is zero now. That meant to New York City 1,300,000,000 dollars' worth of reduced aid.

A program called community development block grants [CDBG] was for New York City $260 million, now $163 million without the inflation factor. We had an urban development action grant [UDAG] program that was $675 million in 1980, now zero.

Why do I mention these programs? Some of them are not directly involved with law enforcement, but they do provide the city and the region with funds to take care of other problems.

So it is very hard, as we see problems like the one we are talking about today, to deal with them just from the farebox alone.

Fighting crime has to be part of the capital budget of a transit system. That means installing new lights, security cameras, a better communication system or redesigning stations as Senator D'Amato said, to get rid of the alcoves and recesses where the punks and the hoodlums and the thugs hide and prey on innocent people.

But as the Senator from New York proposes, there is often the temptation to take from capital accounts. Capital accounts are the investments for the future to pay for current needs and we have got to ask ourselves what that would mean.

When we continue to take away from needed capital improvements, including safety and security improvements, what does that do to a system like New York City's? Does a practice like that only further limit the transit operator's ability to make improvements that will make the system more efficient and, importantly, safer in the long run, as well as tending to the problems of this day?

Later, I want to ask questions of the administration's representative, the regional administrator of UMTA, whom we will be hearing from soon. I want to hear from him what the administration, an administration that would pretty much do away with operating a system, if it had its way, what they think about this proposal.

And we need to hear from MTA what this proposal would mean to the city and what impacts it would have on the commuters both long and short term. What station improvements might be put off or even canceled, how many new subway cars would not be bought.

In discussing the pros and cons of such proposals we have got to have answers to these questions.

We are here to find out what is being done to stop the assault on our citizens. And I have got to ask the question, what is the city of New York doing, what is the State of New York doing, what is the MTA doing, and what is the Federal Government doing to help the people of the city and what more can they do?

I am disappointed that the administration turns its back on transit the same way it was ignored by the previous administration. Regardless of the pressing needs to move people swiftly and safely, to provide handicapped-accessible transit, and to clear our city's air, the present administration has tried to dismantle mass transit. All you have to do is look at the numbers. This is not a debate about words or thoughts or philosophy—just look at the budget request, pretty simple.

I am here today so that we can gather the necessary information to make the case in Washington, to make the case that transit, and above all, safe transit, should be a priority regardless of who is at the moment in the White House.

So those are the issues that we would like to cover today. And once again, I would call on my distinguished colleague, Senator D'Amato, before we hear from our witnesses.

PREPARED STATEMENT

Senator D'AMATO. Mr. Chairman, again thank you so very much, and I am going to ask that the full text of my remarks be placed in

the record as if read in their entirety so we can hear from our witnesses.

Senator LAUTENBERG. Without objection.

[The statement follows:]

STATEMENT OF SENATOR D'AMATO

I called this hearing because crime is out of control on the streets and transit facilities of New York City. This is no secret. The senseless, tragic murder of 22-year-old tourist Brian Watkins, on September 2, has shocked us all. We must act now to reclaim our streets and subways from the criminals who prey on them.

I have heard the pleas of New Yorkers and those who visit our city, like the Brian Watkins family, to take action to make our city safer. In the first 6 months of 1990, the number of reported felonies committed in the subways rose 17 percent, to 8,977 felonies, compared to 7,663 in the first half of last year. In the first 9 months of 1990, there have been 18 murders (there were 20 murders in all of 1989). The number of robberies jumped 22 percent, from 3,714 in the first half of last year to 4,518 in the first 6 months of 1990.

There are now 5,000 fewer police officers in New York than there were in 1970, when there were 578,149 crimes and 1,117 murders committed. Last year, 712,419 crimes and 1,905 murders were committed.

Over the last 25 years, the Federal Government has spent $40 million on public transit across the Nation. The New York Metropolitan Transportation Authority has received over $4 billion in Federal transit aid over the last 10 years, and about $8 billion over the life of the UMTA program. However, if transit service and passenger safety erode, ridership suffers and no one wins. The more people who ride the system, the safer it is. Unfortunately, subway ridership is down 7 percent over the last year.

We are here today to see what the Federal Government can do to help protect transit riders and the billions of taxpayer dollars invested in public transit facilities. I believe that the current crisis of crime in our city merits special attention by Washington.

I am willing to propose legislation to remove technical legal constraints on the use of Federal transit dollars to fight crime. Specifically, I will propose to free up over $250 million in unobligated Federal transit capital funds to hire 1,400 transit police over the next 3 years. These unused Federal funds are currently available to the MTA. My proposal would give the city of New York the flexibility to use $84 million per year of Federal transit dollars, for 3 years, to hire transit police.

Moreover, I will also propose a plan to add 3,000 uniformed New York City police officers. I propose to tap $540 million from the unused fund of $606 million of Westway trade-in money that was allocated to build a replacement West Side highway. Only $84 million of the total $690 million Congress dedicated for this highway in 1985 has ever been spent. Current controversies over this project are unlikely to be quickly resolved. Our priority use for this money should be to address an issue that we all agree needs immediate attention—public safety. If the city chooses to support this plan, I believe that I can persuade Federal legislators to pass a law—before we adjourn in October—permitting New York to access this fund for safety uses.

I have discussed my proposals with the White House and with Secretary Skinner and they are giving them serious consideration

We will now hear from our first panel of witnesses

LEGISLATIVE PROPOSAL ON USE OF FEDERAL TRANSPORTATION MONEYS

Senator D'AMATO. However, I would like to, if I might, just touch on a certain aspect of it. The legislative proposal that I have put forth, and which is one that is not cast in stone, and certainly one that I believe is essential today, would remove technical constraints on the use of Federal transportation moneys that have already been turned over or are waiting for drawdown by the city. I will not go into detail regarding the amount of the funds, but combined we are talking in the area of $790 million.

I would say that this proposal is unusual. However, there is precedent. Back in 1974 Mayor Beame asked for an even greater

and received a greater authorization and approval by Congress to permit the use of capital funds for operating purposes, much broader than just simply for police. We have limited this proposal only to public safety purposes.

I believe that if the city of New York chooses to support this plan, and does so strongly and quickly, that we have an excellent opportunity of persuading Congress to pass a law to reprogram the money, in the parlance of our congressional talk, before we adjourn in October. But time is running out. And the city will have to come forward to give us an answer.

It is not good enough to say my proposal is imaginative. But if the city wants it retailored, they must quickly state how they would like that done. And without their strong support we are not going to be able to do this.

I have discussed this proposal with the White House, and I have discussed it with Secretary Skinner. They are giving this matter serious consideration. The President also is giving this matter his consideration, and is personally aware of the dimensions of the Watkins family tragedy.

I have been given permission to say that the President will personally review this matter. And I think it will be incumbent upon the city, if it sees merit in adopting all or part of this program, to let us know, to signal us, so that we can work within the confines of our respective committees to bring about this change. I thank the chairman.

Senator LAUTENBERG. Thank you very again, Congresswoman Molinari, for being with us. We invite you now to give your testimony.

STATEMENT OF HON. SUSAN MOLINARI, U.S. REPRESENTATIVE FROM NEW YORK

Ms. MOLINARI. Thank you, Mr. Chairman, and I will be brief. I want to also begin my statements by thanking both Senators for coming forward and offering some solutions and attention to a city that is reeling from fear.

We talked a little bit about complacency and citizen complacency. What is taking place in New York City today is not complacency, it is fear. People are afraid to get involved, people are afraid to acknowledge a tragedy that is occurring for fear that they may, in fact, be the next victim.

Senator D'Amato, you have always proven yourself to be an able and imaginative leader for the city and have brought home more than our share of bacon on occasion when we have desperately needed it. And certainly I am here in support of your proposal because this city is a city in crisis. There are no more if's, and's or but's about it, there are no more studies that need to be done, we are reeling from a crisis.

The people are looking in the papers and on the media every day for someone to give them some leadership, some direction, some answers as to what they can do so that they can feel free to move outside of their apartments or their houses throughout this city including Staten Island and including Brooklyn. So I commend you for doing this in such a rapid and imaginative fashion.

With regard to the budget, in fact, we are in a crisis state in Washington. And while it is this administration that may have begun ceasing the funds for operating expenses, I think it is safe to say that the fact that the budget summiteers have not come back from Andrews, shows that we are dealing with a very limited pot of moneys from which to draw, and no one wants to be the party that says, let us raise taxes, no one wants to be the party to say let us spend program moneys that were directed for other programs.

So what are we faced with then? An urban area that desperately needs help and an existing pot of money that we can draw on.

That is the beauty of the D'Amato proposal right. It will cost to the Federal Government no more money right now to help us through this crisis.

We have run out of time, and as the Senator correctly stated, we can move none too soon to put this city back in ease and have the citizens take charge.

I am here today because I am pleased and delighted and honored to become a cosponsor of this bill and use my influence on the Public Works and Transportation Committee to move this as expeditiously as possible once we hear from the city and the administration in terms of their direction. I am confident we will be able to deal with this very effectively and, as I said, expeditiously from the House side.

In conclusion I would just like to say, as the Senator correctly said, this would not be without precedence. In 1974 the Federal Government did get involved in bailing out the city of New York when we had our fiscal crisis, using moneys dedicated for transit purposes at that time also.

What we are saying here today is that we are at another crisis crossroads in this city and that this crime crisis is every bit as devastating to our way of life as the fiscal crisis was 15 years ago.

There have been 300 more murders this year alone than there were last year. And in the week that Brian Watkins was killed 34 other individuals were killed in the city of New York and the five other boroughs. We do have a serious responsibility as elected leaders to do something and to do something fast.

And while this money sits in escrow and is being analyzed and reanalyzed people on our streets and in our subways are being robbed, raped, and killed. We cannot afford to wait any longer to address this problem.

That is why I will be happy to return to Washington, DC, this afternoon to help construct and push through the D'Amato proposal to get some money and safety and confidence back on our streets. Thank you.

Senator LAUTENBERG. Thank you. I would like to just take a minute and ask Ms. Molinari——

Senator D'AMATO. Do you want to ask him to do his——

Senator LAUTENBERG. Well I assume that though we know this is a father and daughter team, their jurisdictions are somewhat separate, but since Senator D'Amato asked to have the courtesy of not, Ms. Molinari's father, but her colleague in government to speak at the same moment, why please do, and then we will ask our questions of both.

BOROUGH OF STATEN ISLAND

STATEMENT OF GUY MOLINARI, BOROUGH PRESIDENT

Mr. MOLINARI. Thank you very much, Senators. Lest there be a misunderstanding on my position, I think it is important that we do point out that indeed I did fight the Reagan administration, sometimes tooth and nail, on matters involving aviation and the Environmental Protection Agency for some time.

But in areas of the budget I must confess that I supported the President and I supported the President in almost all of his proposals, President Reagan that was, and I want to make that confession to you, sir.

At a time in 1984 when revenue sharing was being discontinued, it was at a time when the Federal Government was amassing some of those massive deficits that we are now trying to deal with, and when most local governments had pretty good surpluses.

I facetiously at that time suggested that revenue sharing might come the other way since a lot of local governments had some pretty healthy surpluses.

This morning I read a column—I did not read much of it—Jack Neufield's column in the News, wherein he creates the impression that Ronald Reagan is responsible for the murderers that run around our city killing the Brian Watkins' because he cut back on programs. It is pretty sad when people make that kind of suggestion.

I think we know some of the reasons why this crime problem is before us, but let me please address the legislative proposals that are being advanced today.

Senator D'Amato's proposal certainly is creative. And I think those of us that have served in the Washington scene know it is not going to be easy. It is going to be very difficult, as a matter of fact, to pass this kind of proposal.

Before we can convince this administration in Washington, we know that there is great resistance to take capital funds and reprogram that money in allowing us to hire personnel. We would have to first spell out the case that our city is indeed in crisis, that our city is perhaps dying. And that if Secretary Skinner and the other administration officials are going to support us, they have to get that message. We cannot soft sell the state of our city. If we do, you might as well forget this proposal because it is not going to move at all.

Let us admit that we are, in fact, in deep trouble in this city of ours, and that it is a question of spending priorities. I think Senator D'Amato said before it does not do us any good to go out and buy new subway cars and to fix up subway platforms when people are not going to ride those subways.

I finally have reached the point myself where I will no longer ride the subway. The only people that are going to ride our subways in the future are the poor unfortunate people that do not have any other way to get to work or school so they have to do it and place their lives in jeopardy.

Now, the simple fact is that the city of New York cannot survive without a viable subway system, and the subway system cannot

survive in our city unless we take it back from the criminals. That is basic, it is very simple, maybe overly simplistic.

But I think this proposal is one that offers us an opportunity. The argument has been going on in recent weeks as to how many policemen we should have. Should it be 5,000? Mayor Dinkins says, well, you know, 5,000 is a number but nobody's suggesting the money.

The Governor suggests 5,000 and the mayor says, well how about the money, Mr. Governor? Well now here is a pot of money, there is money in this account. And I might add the money in the Westway Trade-In would not be there but for this member who passed it when I was back in Congress when that money would have been lost, and that was at that time $1.7 billion. Having had something to do with a good portion of that money, I would like to see that money reprogrammed to where we need it most in our city.

And the beauty of this proposal is that Senator D'Amato has said, it is flexible, you do not have to buy into 4,400 police officers if you do not want, you do not have to buy into 3,000. It does not have to be 3,000 city police officers and 1,400 transit, do it some other way if you will.

Perhaps, perhaps you want to buy 2,000, that could be done, the bill can be fashioned in any manner. Perhaps you want to take, Senator D'Amato, some of that money and allocate it to the courts and the judicial system that is in need of help. Because some people are going to suggest that if we hire more police and make more arrests, we are not going to be able to move them through the criminal justice system. But I think you are willing to even amend it along those lines.

The fact, however, is before this proposal can move forward one step, it must be endorsed by David Dinkins our mayor. And I would like to point out that if we are going to get this emergency help and get it when we need it and that is now.

The legislative session is only going to go about another month, and you are about to go to conference in transportation, Senator, I would think that if we could get the mayor not to wait until October 1, I think we already know what is going to happen October 1, if that decision is to be made now, we have to speak now, the mayor has to say our city needs that help.

Get your people together, sit down for 24 hours or 48 hours, lock yourselves in a room and come up with an answer for God sakes, and tell us what you need in the city and then let your assemblies and members of congress rustle with the problem on how to do it, it is going to be hard enough.

But unless the mayor speaks out on this issue and speaks out now, abetted by our Governor and the other governmental leaders in our city, you are not going to be able to do it now certainly, and have to do it in maybe 6 months or a year where it can be done.

I implore you please. I appreciate this opportunity to speak before you, Senator Lautenberg and Senator D'Amato, and the fact that you moved so quickly on this. It is an emergency measure, it is an extraordinary measure, but these are extraordinary times and it takes this kind of measure to deal with it. Thank you very much.

Senator LAUTENBERG. Thank you very much, Mr. Borough President. You and I worked together on aviation matters, we worked together on many things. And I have a deep interest in how the subway functions and whether it is safe.

I have a lot of constituents. As a matter of fact, I have a daughter sitting over there in this room who lives and works in New York City and who uses the subway to get to work in the neighborhood not far from here, and I talked to her about how things appear to her. She tells me she worries, she watches.

But lest we get diverted from our mission, whether it is the mayor of New York City or the Governor of New York State or the President of the United States or the Secretary of Transportation, who I tried to talk to today, whether you like it or not, this process is going to have to involve people making judgments with the information that they have at hand.

We are going to hear from other witnesses. I am going to ask questions about whether or not can we just throw 5,000 cops out there? Ask the people who defend the city with their lives, ask those who have been shot at, ask the families of those who have been killed. Can we just throw out inexperienced people just to get bodies out there?

Every one of us shares the same kind of trepidation, the same kind of chill when you look at this family, a handsome family, a forgiving, a compassionate family, who lost a child as he came to the aid of his mother, who was assaulted, mugged for money to go dancing. What kind of animals were these people? What kind of thinking did they have? Where was the parental influence? Where was the community influence on these dogs, these groups who are out there? Attacking this innocent family for what?

So lest we lose sight of what it is that we are going to have to accomplish, all of us working together. And I know the mayor is giving this lots and lots of thought and review because he is the one who is on the front line on this.

And I have talked to him about it and he has assured me that the city is going to do whatever it can. We can talk as much as we like about Abe Beame and 1974, but the fact is that the city has been on the brink several times. And the Federal Government is going to do whatever it can to be of help, as long as I am here, to help all the cities.

An innocent life lost is always a tragedy, whether that life is lost in Chicago in the street or in the subway, or Detroit in the street or in the subway, or Washington, the city that all of us know best, where there are neighborhoods that none of us will go into, some of them so near the Capitol that you might inadvertently walk there on a lunchtime stroll.

But are we going to simply say to hell with them? Are we going to take the money that they got under formula and take it away because New York City has got a crisis? And these cities are saying that, yes, we have a crisis too. As a matter of fact, some of these cities are in far more desperate shape than New York City.

Am I going to say to the mayor of Jersey City or the mayor of Patterson where I was born, or the mayor of Trenton or the mayor of Newark, we are talking about the most poverty-stricken cities, or the mayor of Camden, no, I am sorry, that we are going to have

to take the money that you had available to you for some of the long range things that you need to make your city just a little bit brighter, to make it more livable and know we are going to just now, without giving it a lot of thought, without making the decision, we are just going to send it to New York City. It is not going to happen.

Mr. MOLINARI. May I respond to that, Senator?

Senator LAUTENBERG. In a minute. It is not going to happen, we are going to have to share this burden. And we can have all the speeches about the budget and the summit. You look out there. When they are finished they are going to come up with a whisper instead of a windstorm to solve this.

Let me tell you something, whatever they think, whatever any of us think that budget deficit is today, it is going to be dwarfed by the reality of tomorrow. And the cities need help from the Federal Government, and President Bush has to understand that. That when we give aid to agriculture and irrigation and water projects, our cities count just as much, just as much as it does to grow wheat and to grow soybeans and the other things that we provide assistance to.

If someone asked me what the backbone of America is, I am going to say the cities of this country. But we have a problem that we all have to share in a uniform and processed manner.

We want to help, we do. We want to help the police who carry the burden do their job. And we want to get the thugs and the dogs out of the subway. But we are going to have to do it in a fashion that permits us to give some thought to the promise that we made the people when they collected their taxes, when we took their penny at the gasoline pump, that we, in fact, are giving them value, whether it is in Iowa where we have members of our subcommittee or Oklahoma or whether it is New Jersey or New York City, it has to be done in a way that takes care of the promises, the pledges that we made when we took their money.

My only question to you, Mr. Borough President, is do you think that we can ignore investing capital funds in our transit systems, just pull them back for now and say put it all into today's problems with the subway and feel like we have done a proper job?

Mr. MOLINARI. I appreciate the opportunity to answer that question. The fact is I do favor taking some of that money and spending it for police protection. And I would suggest to you, Senator, that when we collect taxes from our people that the people are saying to us, those of us in government, that they would like one of the first orders or priority that we spend it to make their lives safe. That is, I think, pretty close to a top priority.

With respect to taking money from Newark and the other cities and spending it here, no, that is not, as I understand it the basis of the D'Amato proposal. What we are saying instead is the money that already is earmarked for New York City, not for Newark or these other cities, that perhaps some flexibility should be given so that we can take at least part of that money and spend it for additional protection.

And perhaps, Senator, maybe Newark and some of the other cities that you mentioned before, might want to give like thought to taking some of the money because indeed they have some of the

same kinds of problems. Is it more important, maybe they should have a voice in it, is it more important that they buy new subway cars or new subway platforms, when you cannot ride the subways in fear of your life being taken like the Watkins family.

I think it is a question of government saying now, what are our priorities going to be. And with respect to the concept of saying you cannot throw money at the problem. There are lists here in the city of New York, lists of people that have passed the test for various law enforcement positions that are waiting appointment. And in those cases they have not been appointed because there is not money to hire them.

So it is not a question of saying going out and hire anybody and having problems, no, there is an available pool of talent already on the Civil Service list having taken the examinations, and that is a little problem as I see it.

But the basic question, and I think this already highlights the kind of problems that we will have as we go down the road, and I appreciate your views, Senator Lautenberg, in this, and I think it also demonstrates the difficulty that we are going to have in trying to get this concept adopted.

But I think it is very, very important to our city. You talk about loving the city, this city is one of the greatest cities in the world and has been. It is not that way anymore. Our city is in decline, very serious decline.

I worry about the survivability of this city. And if we cannot address the problems of crime in our city, we are going to lose this city, this city is going to go down the tubes. And I will tell you something else, I do not think New York City will ever again receive a bailout package from Congress as it did in the past.

Senator LAUTENBERG. May I ask you, Mr. Molinari, you served in Washington how long?

Mr. MOLINARI. Nine years, sir.

Senator LAUTENBERG. Nine years. During the 1980's essentially.

Mr. MOLINARI. That is correct.

Senator LAUTENBERG. So you saw what was happening with the packages for the city, you saw revenue sharing being decimated, you saw UDAG being thrown out, you saw CDBG getting cut back, you saw community development block grants [CDBG] housing getting reduced to almost nothing in terms of a significant contribution from the Federal Government, that threw a lot of kids, a lot of families into deep poverty.

I am not going through the sob story about what it is that got those rats there that day, I do not want to do that, but you know that all of this is part of a program. And when we turn these people, these animals loose on the street, there is no single cop that can make the total difference. Yes; a cop, a uniform, someone stand there, as you heard from Mrs. Watkins, could have made a hell of a difference as far as their observations were concerned.

But the question of whether or not we take funds here, and I want to straighten out something so that the record is clear, yes, that is money that was developed on behalf of the highway Westway. I take pride in the fact that I am one of those that prevented that spending from going forward at the rate of $1.5 or $2 billion a mile to throw it down the drain just so that we can have

another highway and bring more cars and more congestion and more pollution, et cetera, into the city.

But you know very well, Guy, that that money spends out at a very slow rate, maybe 10 percent a year. So that if we spend it in this year on operating assistance, that is 100 cents on the dollar. So we then do take away from programs 90 cents on the dollar or 85 cents on the dollar.

So it is not just a question of saying it is ours, it is sitting in the bank, it is waiting for us to collect it. No; it was given to the city based on a formula that was structured, and that is the way we have to approach things.

Listen, if we could go back a few weeks before the horrible event took place, who of us would not say, listen, we would give anything necessary to prevent this from happening, but it does not work that way. The young man who was at the pay phone down in Greenwich Village was not in the subway, he was standing there innocently making a phone call; there is story after story.

And the temptation is to just saturate the place with law enforcement people and see if we can stop it. We have to do these things, I agree with you. But we cannot do it at the expense of Detroit and all the other cities. Washington is the murder capital of the world on a per capita basis.

I have just one other thing, Senator D'Amato, and that is to hope that Ms. Molinari, the distinguished Congresswoman—she has fashioned a pretty good record for herself in a very short time—will indeed be able to go back there and help solve the budget problems, because you know very well that it cannot happen in your district unless it happens in 434 other districts around the country.

Ms. MOLINARI. That is true, Senator. And I will accept the compliment and say that is quite a tall order. If I may, I would just like to follow up on the statements made by the borough president very briefly and state that, in fact, what we are not asking for under the D'Amato proposal is a saturation of police. What we are asking for is police to be brought up to the pre-1970 levels which was inadequate back in those days. And certainly in light of our population shifts and some of the problems that we have incurred in recent years under the crack epidemic that is escalating violence in all of our cities, saturation is not what we are asking for. What we are merely asking for is that which we enjoyed perhaps 20 years ago in this city.

Senator LAUTENBERG. Thank you. Senator D'Amato.

Senator D'AMATO. Well, Mr. Chairman, I know that we have another panel, a panel of MTA people and police representatives and also representatives of transit workers who are affected by this proposal, and I think it would be appropriate to hear from them. I want to thank and commend the Congresswoman and the borough president.

I believe that there are, Mr. Chairman, as you have mentioned, some technical issues that are legitimate in terms of scoring with respect to my proposal and those have to be resolved. I think they can be. I think you raised a valid point as it relates to whether you go out and hire *x* numbers of police officers at any one time.

The proposal was put forth to demonstrate that over a period of time this is how many police officers could be hired, not that you

would or could within a relatively short period of time add 5,000 more officers, but your goal would be to build up to 4,400 officers. Therefore, that would affect the spend-out rate as well, and so those are the kind of things we need to examine.

But I come back to one thing. Recognizing the legitimate caveat and concerns of the chairman unless we do get a clear signal from the city that they want the flexibility I have proposed, we will not even be able to proceed trying to address the legitimate concerns which the chairman has raised.

Otherwise, regardless of the imagination underlying my proposal, and regardless of whether we can only get 1,000 more police officers, and let me say that we are fighting desperately to generate revenues from this proposal in order to provide more police protection than is currently available.

And so it is important for the city fathers to address this in a way that will either say yes, we are interested in exploring it or no, we would rather continue or find another alternative. So that is what we face.

I want to thank the Congresswoman. I look forward to her help, and I thank my friend and colleague in government former Congressman Molinari, the borough president.

Senator LAUTENBERG. And I too join in. Just one last word and that is that this proposal is designed to provide approximately 3 years' worth of wages for——

Senator D'AMATO. It could be stretched over 4 depending upon how——

Senator LAUTENBERG. Do we then tell the recruits that you have got a 4-year or 3-year job that you may have to sweat for at the end of that time or do we want to do something that is going to be more permanent, and to the borough president, who has a distinguished record of public service and concern.

I think we have to be very careful about how we couch things. I am not talking about prettier subway cars. Who would not like more light? Who would not like a better communications system? Who would not like to light up all the corners and the crevices so that these sneaks do not have a place to hang out?

I mean, if you are saying that any capital expenditures ought to be dismissed, yes, I agree with you, it is hardly the time, it is almost ugly to talk about new subway cars. But if you talk about making the system more inviting, I think it has to look better, it has to be cleaner, it has to smell better. So there are things we are going to have to do on all fronts, Guy, and you know it.

Mr. MOLINARI. Just a little quick response. I am spending an awful lot of my time on transportation matters. Staten Island is the one place where we do not have subways and we have serious, serious transportation problems.

When people tell me we do not care so much that buses are old, they are not air conditioned or they do not have a seat, a lot of my people come to the city and have to take subways, they do not care whether there is graffiti, but they mostly care about getting there safely.

And the other thing, Senator, that we have to keep in mind is on the revenues themselves generated by mass transportation. What is going to happen now, and mark my word, in succeeding years we

are going to see dramatic drops in the revenue that is produced by our subway system because of fear of crime.

So this concept is one that would generate a lot more money for our city if we could make our subway system and our mass transportation system safer, more people would use it and leave their cars home.

Senator LAUTENBERG. I hear you. What I hear you say is that it does not matter how dirty it is, how graffiti-covered it is, how stinky it is, just as long as we put a couple of cops, a couple of thousand cops. I do not see it working that way, I am sorry. Honest disagreement among friends. Thank you very much for being here with us.

Ms. MOLINARI. Thank you.

Senator LAUTENBERG. I would like to now call on Chief Bratton of the New York City Transit Police Department; Mr. Philip Caruso, the president of New York City's PBA; Mr. Ron Reale—are all these folks here—of the New York City Transit Police PBA; and Mr. Demoso Seda, from the Transport Workers Union.

Senator D'AMATO. Sonny Hall the president of the TWU is here.

Senator LAUTENBERG. Who is?

Senator D'AMATO. Sonny Hall the president of the Transport Workers Union.

Senator LAUTENBERG. Is he here instead of Mr. Seda?

Senator D'AMATO. Yes.

Senator LAUTENBERG. Mr. Sonny Hall, I am sorry, is here and we are pleased to have him, he is the president of the Transport Workers Union. And right after this panel we will hear from Mr. Braun and Mr. Kiley.

We will go in this order, Mr. Bratton, Mr. Caruso, Mr. Reale, and Mr. Hall. I get four names and there are five people. Just tell me who everybody is. Chief, you are obvious. Mr. Reale, yes.

Mr. HALL. Sonny Hall, president of the Transit Workers Union.

Mr. CARUSO. Phil Caruso, president of the New York City Patrolmen's Benevolent Association.

Senator LAUTENBERG. And the last gentleman?

Mr. SEDA. Demoso Seda, recording secretary of——

Senator LAUTENBERG. Oh, so two people from the Transit. OK.

We have your statement, we will take your full statement in the record, we would ask you to summarize it as much as you can so that we can try to save some time that the Senators have used so far.

Oh, I am sorry. Mr. Kiley, do you want to join in the same panel, is that what I am told? Mr. Kiley, Mr. Braun, we may as well do it all.

NEW YORK CITY TRANSIT POLICE DEPARTMENT

STATEMENT OF WILLIAM J. BRATTON, CHIEF

Mr. BRATTON. It is a pleasure to appear before you today. I am William Bratton, chief of the New York City Transit Police Department, a post I have held since April of this year.

Since my appointment I have had one overriding goal as chief of police, and that is to strengthen and direct the officers of my de-

partment to take back the subway for the millions of New Yorkers who must ride it every day.

Achieving this goal demands three things; we must reduce robbery and all forms of serious crime, we must reduce fare beating and thereby catch criminals before they enter the system, and last, we must restore a general atmosphere of order in the subway system.

Accomplishing these tasks will not be easy. Crime in the city has been on the rise for 3 consecutive years, and even though the subway still has only about 3 percent of the city's serious crime, crime on the subway has been growing faster than the city at large.

To have lasting impact on crime, fare beating, and disorder, we need more than a crash program, we need a systematic approach to policing the subway that motivates and equips our officers to attack these problems in effective ways.

Our plan for policing the subway has been unfolding over the past 4½ months. Shortly after my appointment last April, we organized the department to shorten the chain of command and to better support our patrol function.

We also introduced some innovative approaches to targeting felons and stopping fare beating, which I will describe. Our officers have responded to these initiatives very well. Between May 1 and September 12, felony arrests increased 31 percent, robbery arrests increased 41 percent, and misdemeanor arrests increased 66 percent. So despite declining personnel strength the department has been responding significantly.

Arrests alone will not do the job, however. You know it and I know it. Our real purpose is to prevent and deter crimes, not just to pursue criminals when crimes have been committed. To do this we must increase the uniformed police presence in the subway.

We are taking several actions and we are recommending more to the city that could put about 800 more officers on patrol as soon as possible. That would increase our daily patrol strength by approximately 40 percent.

At the end of next month we will hire 80 civilian clerks so that 80 trained police officers can return to patrol immediately. We have identified an additional 220 police positions that with city approval could be civilianized by the end of the year, freeing up 220 officers for patrol.

Another 79 recruits will join the department by October 12 after finishing 4 months in the academy. We will ask the city to accelerate the hiring of recruits now scheduled to begin training at the academy in April 1991, so that we reach our full authorized strength of 4,122 officers by the spring and not the fall of 1991.

A 40-percent increase in patrol officers will dramatically enhance our presence in the system. In addition, by eliminating the need for police officers to personally process misdemeanor arrests at the district attorneys' offices, we will save an estimated 6,000 patrol days a year for our current patrol force.

Processing felony arrests still takes officers off patrol, so we want to make felony arrests that stick. For that reason we have been targeting repeat offenders and felons who have outstanding bench warrants. Working in cooperation with the courts and various dis-

trict attorneys, we are moving much faster and more effectively against people who miss their court appearances.

Since August 1 of this year our robbery unit's newly instituted warrant apprehension program has resulted in the arrest of 43 transit career criminals, individuals wanted on bench warrants for transit-related crime.

We are sending a message to the career criminal; if you are arrested in the subway and then miss your court appearance, we will come and find you and put you back into the criminal justice system.

We are all improving what the police call the enhancement of cases especially against juveniles who are responsible for a disproportionate share of subway robberies. Detectives build a strong documentary record for the prosecutor helping to assure convictions and longer jail sentences for repeat offenders in the subway.

The vast majority of subway riders will never be the victim or even witness a serious crime in the subway, thankfully, but they do witness chronic fare beating and other disorderly behavior, and when coupled with the physical characteristics of many of our subway stations, makes them feel that the subway is a threatening and dangerous place.

Our plan and course of action must address these problems as part of the coordinated effort to deal with robbery and serious crime. Not only is fare beating costing the public millions of dollars each year, but it is safe to say that most of the felons active in the subway are also fare beaters.

Last evening, for example, or on Saturday evening, we arrested an individual coming through a turnstile not paying his fare who had an Uzi submachine gun with a fully loaded clip in the magazine.

There is a way to stop them before they get into the system and can commit more serious crimes. Stopping them for fare evasion allows us to search them for weapons and check them for outstanding warrants.

In the daily around-the-clock sweeps we have been conducting against fare beating since August 13, mini sweeps we call them, we have made 1,451 misdemeanor arrests as well as 24 felony arrests and 31 weapons confiscations.

Some have argued the police should be chasing serious criminals not guarding turnstiles. But the serious criminals enter the subway through the fare collection area along with everyone else. It is critically important and entirely appropriate for the transit police in innovative ways in our overall efforts to combat crime and disorder to focus attention on and exert control over the entry points of the system, over 700 entry points to our system.

For similar reasons it is very important for the police to restore a sense of order and stability by vigorously enforcing the subway rules and regulations. A disorderly environment is conducive to crime.

When anything short of crime is permitted such as rules violations and disorderly behavior, crime itself will not be far behind, and that has been the New York subway experience.

The police must become a pervasive and felt presence throughout the system. We must reestablish the subway as a place where even

minor rules violations are challenged and serious crime has no place.

I would like to be able to tell you that all this can be accomplished by next month and not next year. Unfortunately, it cannot. We did not get into this problem overnight and it will take sound policing techniques to get us back on the right track. It will also take money.

I am chief of a police force that is inadequately equipped in almost every respect. My officers work out of dingy, dirty, inappropriately equipped district stations, are supported by insufficient numbers of police vehicles for backup and prisoner transport and are hampered by a radio system that is unreliable and often fails them at the most crucial and dangerous moments. We need millions of dollars in capital funding to bring this force's support systems up to a professional and effective level.

If we want to have a lasting impact on the problems in the subway, we will have to begin to invest in this police organization and its capable people.

We are modernizing and upgrading equipment of our officers in giving them the other tools they need including the option of purchasing more accurate 9 mm handguns that are fast becoming the police standard across the country.

This past weekend we had two shooting incidents involving members of this department. In one incident an officer confronted by four suspects, in the shootout that followed he shot two of them. In another incident two of our plainclothes officers interrupted a robbery in progress, a shootout also ensued, no injuries. Shootouts are becoming too frequent an occurrence and we need to arm our officers better than we have in the past.

We are purchasing new police vehicles so that we can move officers to emergencies more quickly and transport growing numbers of arrestees. It is interesting to note that in the Brian Watkins case the first responding officers were in fact two officers in a motor vehicle responding to their call for help.

We are setting up committees and programs that will get our officers and their unions involved in planning the organization's future and their personal career paths.

But to secure the capital dollars we need to improve working conditions, and to protect our patrol officers we will need support from every level of government.

The MTA board has recently approved $10 million to allow us to buy 2,600 powerful new radios and to extend our antenna system to cover many of the dead spots in the subway where radio reception is now impossible.

What we really need, however, and what the TA will seek in the next 5-year MTA capital program package, are funds to relay reliable communications among all our officers at all times and places and to upgrade our dilapidated district station facilities.

I cannot emphasize enough how important the upcoming third MTA capital program is to the transit police and to the citizens of New York. The protection we provide is only as good as the way our personnel turn out and are equipped.

Like the subway system itself we have a law enforcement and security infrastructure that needs to be renewed, and like that

system, law enforcement will work much better when it is. Thank you.

Senator LAUTENBERG. Thank you very much, chief. I would now call on Mr. Robert Kiley, the chairman of the MTA for his comments.

METROPOLITAN TRANSPORTATION AUTHORITY

STATEMENT OF ROBERT KILEY, CHAIRMAN

Mr. KILEY. Thank you, Senator Lautenberg, Senator D'Amato. I appreciate the opportunity to be here today and discuss my concern to share your concerns and the concern of all New Yorkers about the growing menace of crime in our city.

This concern has been focused in a horrifying way by the senseless slaying of Brian Watkins. And I would like to say to the Watkins family it was senseless, inexplicable, and we are sorry.

Every homicide, and there may be close to 2,000 in our town before the year is over, is a tragedy, each one of them is vicious. There is no such thing as a murder that is not intrinsically vicious.

But in the case of Brian Watkins perhaps it was the fact that a devoted son was going to the defense of his mother under attack. Perhaps it was the sense that the Watkins family were visitors to our city, not just one-time visitors, but a family that loved New York, they visited New York periodically, and in so doing implicitly they entrusted their care and well being to us, all of us, and in some profound way we let them down.

No words will remove the grief that the family feels. One only hopes that the incident will not be lost in those of us who are entrusted to care for the city and that we will act accordingly and not just in the heat and the emotion of the moment but methodically and persistently over a long period of time.

The conditions that have created the situation we find ourselves in did not happen 2 weeks ago, 2 months ago, or 2 years ago. They will not be dealt with rhetorically, they will not be dealt with instantly, they will only be dealt with through political will, resources over the long haul.

Senator D'Amato will recall that not long after I started the job of MTA chairman, he and I had a colloquy similar to this one in a meeting here on the topic of crime and security in the subway system. In taking on the job as MTA chairman was not simply the problem of physical security and crime in the subway system but more urgently at that time the consequences of decades of disinvestment in the physical plan especially of the subway system.

There is no point in recounting the problem of fires that resulted in evacuating millions of people from the subway system. The fact that there were 400 places in the track system where it had to be administered, trains could not go more than 10 miles an hour. The fact that we were only getting 6,000 miles or so between unexpected failures in our train fleet or the fact that graffiti marred the inside and outside of every single subway car and every subway station in the system. Ridership was at its lowest peak in nearly 60 years.

And then with your support, Senator Lautenberg's support, and that of countless others in the Congress, in the State governmen

in Albany, and here in the city of New York, a capital program was launched under the initial leadership of my predecessor, Dick Ravitch, and a multimillion-dollar recovery program is now well underway and the system is being reclaimed.

All of the subway fleet has been either replaced or completely overhauled, two-thirds of the track has been completely replaced. Our car fleet now instead of experiencing 6,000 miles between failures is now experiencing 27,000 miles between breakdowns. It is not great but at least it is respectable. And the entire subway and bus fleet are graffiti free.

And during that period of time up through 1989 there was a healthy 8.5-percent increase in subway ridership.

During this year ridership is down, largely as a function of a sagging economy. But it is very clear that just as in January 1984 when we last had this discussion, Senator D'Amato, that when we asked our customers what the single biggest deterrent is to using the subway system, they will tell us in many different ways that it is fear of their personal safety, whether it is a crime or being harassed or the sense of disorder in many of the subway stations, that is what it adds up to.

And that concern has been heightened since 1984 and it clearly is having an impact on people's willingness to use the system. And it does not do any good to say that while there are 1,500 serious crimes committed each day in our city that 50 of them occur on the subway system used by 3.5 million people a day.

Any amount of crime, especially a crime rate in the subway system that is rising faster than the rate of crime in the city, is a problem of great concern to all of us and it is a problem that requires action.

Now, Chief Bratton has said better than I can say, that he has been preoccupied since he took the job with deploying his existing 3,600 personnel more effectively. But in addition to that, we are committed to putting onto the force between now and early spring an additional 800 officers, at least one-half of whom, perhaps 500 of whom, will be in service by the end of this year.

Chief Bratton intends to better utilize his existing complement and to augment with these 800 additional people so that he will be able to increase his patrol strength, visible presence of law enforcement in the subway by 40 percent.

But as he said, more and better policing is not the only answer. Under the leadership of the new Transit Authority president, Allen Keipper, other initiatives are being taken. The Transit Authority has put security agents and other personnel at 140 entry areas in 100 stations to deal with turnstile disruption and scams. Police are making arrests at these points of entry, checking people for outstanding warrants and keeping criminals out of the system, who once they gain illegal entry into the system, have an opportunity to go on to attack and commit more serious crimes.

Within the next 6 months the Transit Authority will have station managers totally accountable for everything that goes on in a given station covering 100 key stations, and that program will grow until all stations are covered. There will always be someone in authority in those stations close by to coordinate any response that is necessary to any kind of incident.

The Authority will be starting to run shorter trains in the evening hours and off hours as another way to increase passenger safety and by February all token booths will have upgraded telephone lines.

Finally, the condition of our stations and changing them dramatically will be the hallmark of the proposals that the MTA will be making for its third 5-year plan which, if approved, at all three levels of government, will begin in January 1992. We are in the final stages of preparing that plan now, a document which should be widely available by the end of the year.

It will include a number of initiatives to improve security in the subway system in the fare control areas through automated fair collection. New public address system equipment upgrading police facilities, and as the chief pointed out, a quick solution to the problems that we have with our police communications system.

Now, in conclusion let me state the obvious. The subway is not an island in our city, it is the vital artery, perhaps the most important artery that crisscrosses our city. Roughly one-half of the city's population travels daily by the subway system. Every person who uses the system or who might think of using the system is preoccupied with the problem that pulls us together today.

I would be remiss though if I did not emphasize, without commenting on all the details of Senator D'Amato's proposal, which I am not completely familiar with yet, that the capital funds which were fought for so hard by so many in this room, continue to be desperately needed while the subway system is recovering. It is barely out of intensive care, it is a long way from being the kind of system that we want it to be.

I get uneasy when we compare what is being proposed here with what was done in 1974 because one of the consequences of what was done in 1974 which was to convert desperately needed capital dollars to operating dollars to be used to balance the city's budget in the very short term was to set back a system that was already desperately wounded.

I came into my job some 10 years later. Most of the people who cared about the system then pointed to that day in 1974 as a milestone on the road to rampant deterioration of the system.

So I find myself in a awkward position here today, Mr. Chairman. I certainly hope that funds will become available to do what needs to be done to augment security in our city. Our response must be measured, it must be one that is effective, it must be one that can be sustained over the long run by which I mean indefinitely, and we should not permit ourselves to be put in the position of having to rob Peter to pay Paul. We should not be forced into a position where we are taking funds out of an already utterly inadequate infrastructure pot to fund clear needs in the security area.

It is unconscionable that our city should be put into a position in the last analysis where we are doing an exercise in triage. We are forced to say we will sacrifice the physical health of our system because we have desperate human needs, we need to protect human beings.

We cannot have brought ourselves to a point in our history in this town and in our country where we are making those kinds of choices. We are the greatest country in the history of the world. I

believe we are still that way despite many naysayers who would like us to believe differently.

So we are fortunate those of us who live and work in the city of New York because we are in the greatest city in the greatest country in the world at a time of great challenge. And I for one would like to be part of the group that rises to it. Thank you, Mr. Chairman.

Senator LAUTENBERG. Well we are happy to have you as part of the solution to the problem, Mr. Kiley.

I would like now to call on Mr. Braun. See that Mr. Braun has a microphone there. And I would ask, if you can, Mr. Kiley and Chief, to please stay with us until everybody has testified. We will try to pick up the pace a little bit so that you can each hear the other's response to questions.

Mr. Braun, welcome.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

STATEMENT OF LEONARD BRAUN, DIRECTOR, EASTERN AREA

Mr. BRAUN. Mr. Chairman, thank you for inviting me here today. I was born in New York, I have been riding the subway system for 55 years, ever since I was 12 years old, I commute every day on the Long Island Railroad, and I use the subway every day, the No. 2 or 3 trains, to get to work here at the Federal Building, or the 4 or 5 train to commute up to the East Side to visit a 93-year-old uncle who lives in the city in a nursing home. So I am well aware of the subway and the danger that lurks in it.

I do not have a written statement but I would like to make a few comments. You and I have met previously and have been involved with New Jersey Transit, on the Elizabeth to Newark rail matter, and $178 million which you announced for the Arrow III cars for New Jersey Transit.

You asked me to make a statement on behalf of the administration. The administration's policy has been not to fund the operating expenses, but to provide the money for capital improvement to not only New York City's Transit Authority, but its commuter railroads as well.

As a former member of the Metropolitan Transportation Authority from 1968 to 1979 and as former vice chairman in 1977 and 1978 and part of 1979, there was a station program and that station program for rebuilding has been on again, off again, on again, off again, on again, with little accomplished.

We are also concerned about the money that sits around. The fare control system has been on again, off again, on again, off again. The grants that were made by the Federal Government to the Metropolitan Transportation Authority [MTA] were not committed to contract for over 4 years. They grew from $450 to $550 million to $700 million until December 1988, when it was called sharply to the attention of the management of the MTA that those moneys were granted for implementation of the capital programs. The MTA finally committed those moneys in August 1989.

The Appropriations Committee granted 0.5 percent of the capital money to project management oversight [PMO]. This PMO has shown mismanagement resulting in tremendous cost overruns and tremendous delays.

I can name for you the Hillside-Holban yards of the Long Island Railroad, the 63d Street tunnel, there are dozens of other projects that we are concerned about and that will have millions of dollars in cost overruns.

I think we should know that when management allows 1,300 excess workers on the payroll with no work for them to perform, month after month after month, when they allow overtime to exceed and run way over, we do not monitor the details of what is happening with operating funds. It is obvious to us in the huge stacks of papers that we get from the Transit Authority, from the railroad, from the MTA, that these things are there and in black and white.

It calls for an immense effort on getting management that will manage the capital funds. And this is so not only here in the New York area, but also in New Jersey. We have had four executive directors in the last 2 years at New Jersey Transit, and a new one to come on board this morning. UMTA is much concerned about some of the things that are going on over there, as you know and as you have expressed to us, Senator.

The planning is the worst planning that we have seen, there is no planning. There are bridges out there where we continue to see the deterioration of these bridges on which railroads and subways and buses run, and we have much concern about that deterioration.

So this administration is concerned, Senator, this administration wants to give the capital money to take the infrastructure and pull it up by its roots. It feels that it needs a good solid management to do it. Thank goodness we have the project management oversight because these things are constantly being called to the attention not only of the Metropolitan Transportation Authority, but also the Transit Authority and the railroads. In 1988, UMTA refused to allow the Long Island Railroad to receive capital funds because they did not have the technical and management capabilities to run the program.

Senator LAUTENBERG. Thank you very much. I am going to ask for a 3-minute break before we hear the next testimony, if you do not mind.

[A brief recess was taken.]

NEW YORK CITY PATROLMEN'S BENEVOLENT ASSOCIATION

STATEMENT OF PHILIP CARUSO, PRESIDENT

Senator LAUTENBERG. Get everybody back to the table. Sorry for the interruption.

All right, let us hear now from Mr. Philip Caruso from the New York City Patrolmen's Benevolent Association. That is the PBA of the city; is that correct?

Mr. CARUSO. That is correct, Mr. Chairman.

Senator LAUTENBERG. Mr. Caruso, in order to move things along a little bit, I am going to allow 5 minutes for each witness to testify. I am sorry that you have to be the first.

Mr. CARUSO. Mr. Chairman, I appreciate the opportunity to express the views of the rank and file police officers of New York City, the group I represent.

And frankly, Mr. Chairman, we have been rather abused of late at all the dialog and the rhetoric that has been emanating from various sources particularly from public officials concerning this question, this sudden awareness of the fact that we are in the throes of a crime crisis here in the city of New York.

Every police officer in this city, and I think that of all the public officials in the city, I think police officers, rank and file police officers, who are daily in an interface with the public, are keenly astute and aware of public sentiment and aware of the dynamics of the city, what is happening out there.

And I am not going to recite statistics in terms of the dimension of the crisis because, frankly speaking, I have been around for 32 years and it has been an evolving process where give or take a few percentage points the dimension of crime in this city has been far too appalling for far too long, and has not really been addressed as forcefully as it should have been addressed many years ago.

But now we find that we are on the precipice of destroying veritably the quality of life in the city of New York and the stark realization embraces us that now we must do something about it and we have to do it right away.

So consequently, I am of the mind that public safety comes first before physical aesthetics. Now, there have been a lot of back scratching theories propounded as to how best to resolve this crisis that we are in, how to put more police officers out on the street and to do it yesterday.

And yet no one has been able to solve the $300 million question. At lot of theories, a lot of hot air, but nothing definitive in terms of how do we put out on the streets the kind of police presence that will make people not only feel secure, because a state of mind is not a resolution to our problem, a mere state of mind is nothing compared to what must be done to secure the safety of people out on the streets. No one has been able to address that properly.

But here I have before me, as I view it, a proposal that in short term can bring some sort of relief to our problem here and I think it is a question of priorities, as others have stated it. In terms of the subway, I am not the ultimate authority on the subways, although I have ridden the subways for all of my life, as a youth right up until now, I still ride the subways, I am not the ultimate authority but I know enough to realize that unless you make those subways safe, nobody's going to ride those subways.

It is not the physical presence that most disturbs people, is the fact that they are going to be mugged on the subway, that they cannot read the paper without looking over their shoulder to worry about some threatening figure next to them. These are the consequences of what is happening in the city, and immediate relief is needed.

This proposal makes a lot of sense in terms of reprogramming a ready and available source of revenue to put out the kind of police

presence that may help a considerable extent in relieving the pressure that we all feel in terms of public safety on the streets.

Now, with respect to the governmental responsibility, the Federal Government as one of the tri parte entities cannot ignore its duty and responsibility because the crack epidemic is not a homegrown phenomenon. The Federal Government has a deep, profound responsibility to protect its citizens, the Constitution mandates that and, frankly, not enough has been done.

But here is an approach that has an awful lot of merit. And in terms of the fact that, well it is short lived, it will only last for 3 years, that is something that can be addressed in terms of the local government with respect to the super fund concept and other means and ways of generating other taxation to perpetuate what can be put out on the streets immediately through Senator D'Amato's proposal.

Let us get the officers out there because it will take 1 to 1½ years before we even ascend to the 5000, that 5,000 figure that everybody aspires to. But the fact of the matter is that we have to act now. And it is my understanding that this can be done by the end of next month, whereas, if the super fund concept or other means of generating taxation were to be undertaken, that alone can take a year.

So this looks like a concrete proposal that every public official should be getting behind immediately but putting forth particularly that aspect of it relating to Westway, because Westway is synonymous with, as I view it, the Second Avenue subway, that fabled hole in the ground that never got anywhere, and we are going back a long way resurrecting that other Shangri La concept that was thought about many, many years ago that never got anywhere. Westway is still languishing as a very controversial idea that no momentum has been gained with.

So consequently, I wholeheartedly support this proposal, I feel it has great merit. And we are in the depths of a crisis here in the city not unlike that kind of crisis that gripes every major metropolis in this country.

And the Federal Government right now is facing a crisis in Iraq. What was the response to that crisis? Major shifting of resources, human, monetary, to confront the danger that is posed in the Middle East. Well that danger in the Middle East, as critical as it may seem, is not as critical as the danger that is confronting us on the homefront here in the United States, particularly here in New York City, and something has got to be done about it.

And the Federal Government cannot shirk its responsibility nor can local government shirk its responsibility. So I urge you forthrightly to act upon this immediately. Thank you for the opportunity to speak here.

Senator LAUTENBERG. Thank you very much, Mr. Caruso.

I would like now to hear from Mr. Ron Reale, who is the president of the New York City Transit Police Benevolent Association.

NEW YORK CITY TRANSIT POLICE BENEVOLENT ASSOCIATION

STATEMENT OF RON REALE, PRESIDENT

Mr. REALE. Good afternoon, Mr. Chairman, Senator D'Amato.

As you know, I submitted in advance a pretty hefty text which I would like made part of the record which would give you an opportunity to understand the problems which the Transit PBA feels have to be addressed in order to find the solution to our current crisis.

I would, however, like to make some initial comments. Number one, I could not agree more with——

Senator LAUTENBERG. Mr. Reale, excuse me one second. You submitted——

Mr. REALE. I submitted a brief to the Senator's secretary.

PREPARED STATEMENT

Senator LAUTENBERG. OK. We just do not have it here, but if you have done it, it will be examined and placed in the record I assure you. Please continue.

[The statement follows:]

STATEMENT OF RON REALE

Good Afternoon. My name is Ron Reale and I am the President of the New York City Transit Police Department PBA. I am appearing here today to offer testimony on behalf of Police Officers assigned to the New York City Transit Police Department. I have been a member of the New York City Transit Police Department since May 22, 1972. My working assignments have included uniformed patrol in midtown Manhattan, Harlem, the South Bronx, Crown Heights, Bedford Stuyvesant, East New York, and Brownsville. Additionally, I have served in specialized plainclothes units which include, the Brooklyn Larceny Task Force and booth robbery stake-out assignments. During my career, I have served for the last 12 years as an elected union representative and since January 1, 1990, as President of the Police Benevolent Association.

While you will have a host of various dignified individuals making presentations here today, the testimony which I will offer is based on practical experience, first-hand knowledge and a superior knowledge of both the subway system and its policing problems.

My testimony, and exhibits offered to support my testimony, are aimed at providing you, the members of the Council, with information which you will hopefully find helpful in your deliberations on the topic of the merger of the New York City Police Department and the New York City Transit Police Department and manpower allocation strategies for increased public safety.

Submitted together with my testimony herein, you will find a copy of a position paper, which was submitted under a cover letter dated March 19, 1990, to the Police Commissioner of the City of New York, the Honorable Lee Brown. I hereby enter this position paper, together with its exhibits, into the record of the proceedings herein, and for purposes of identification will refer to this document as "Union A".

CRITIQUE OF THE POSITION PAPER

Topic I: Merger.—Following several meetings with the Police Commissioner, it was my determination to await the findings of the Police Commissioner's study on the merger. The arguments as detailed in the position paper, under Topic I of the position paper, with respect to our position, has not changed.

With respect to opposing views, which hem in on the fiscal ability of the City to accomplish a merge, we strongly disagree.

Not only do we consider the city's actuary presentation to be inflated, but moreover, when it comes to the protection of life and property, the cost should not dictate the result.

Topic II: Permanent transfer bill.—Since the presentation of the position paper, we have gained the support of the Transit Authority President, Alan Kiepper, concerning a transfer measure which would facilitate lateral moves among the three existing police agencies. We stress, once again, that a measure such as the transfer agreement would not preclude a future merge.

Topic III: Communications.—Since the presentation of the position paper, Transit Authority President, Alan Kiepper, has authorized the cut-over needed to enable

testing of the system to take place. No final agreement has been entered into which would allow a full communications operation for the Transit Police to take place, functioning out of One Police Plaza. While our position is well detailed under Topic III, we cannot stress enough the importance of a complete communication effort operating singly out of New York City Police Headquarters.

The Transit Police Benevolent Association has since requested that the MTA Inspector General's office, headed by John S. Pritchard, conduct a full investigation into the Transit Authority's opposition, concerning the completion and staffing, of the facility at One Police Plaza. Furthermore, the PBA wishes to enter as an exhibit, a copy of an engineering report which was completed by the New York City Police Department Engineering Unit, authored by Detective Specialist Steven R. Ahmed. For purposes of identification this document will be referred to as "Union B".

Topic IV: Police training.—Since the presentation of the position paper, the Transit Authority has failed in its original effort to separate police training.

A new class of police recruits, which was hired on April 24th, have correctly been placed in the New York City Police Academy for training, as opposed to the 300 Gold Street Transit Authority facility.

Still looming is the question of future training. The PBA reemphasized the importance of its position, detailed under Topic IV of the position paper, which will guarantee the people of the City of New York, one, uniformed police training curriculum established by the New York City Police Department.

A departure from single training, which will allow the Transit Authority to establish its own curriculum, and which will house recruits in an ill-equipped facility, will prove to be a detrimental decision which places the public at risk.

OPERATIONAL PROBLEMS

NARRATIVE

Regardless of what findings the Council arrives at with respect to the issue of the merge, there are some SERIOUS operational problems which must be addressed in the public interest.

First.—The current chain of command overseeing the operations of the Transit Police must be restructured.

CURRENT STRUCTURE

The Transit Police Chief, by law, reports to the President of the Transit Authority and only to the Police Commissioner under an agreement which was established and approved by former Transit Authority President, Harold Fischer, as opposed to any statutory requirements.

The Police Commissioner of the City of New York has no statutory authority over either the operation or policy decrees affecting the Transit Police.

Instead, the Chief Executive Officer of the Transit Police is, in fact, the President of the Transit Authority.

While it could not be reasonably argued that the President of the Transit Authority does not have the expertise to supervise the mass transit system, it could be sufficiently argued that he has no expertise in law enforcement, but yet, makes both operational and policy decisions, which over-ride the authority of the Chief and need not be approved by the Police Commissioner.

The PBA charges that Alan Kiepper, as Transit Authority President, is wearing two hats; one as the Director of the world's largest mass transit system, and the other as the Police Commissioner of the sixth largest police department in the nation. (Quite a chore.)

The results of such an arrangement have been evidenced by sky-rocketing serious violent felony subway crime, including homicides, which year-to-date, have reached an all time high.

With or without a merge, the Transit Authority President should be relieved of the responsibility of operating a major police force.

Even a legislative body as distinguished as the City Council has no operating control over policy decisions affecting the Transit Police under the current practice.

I point your attention to the provisions of the Public Authorities Law, Section 1266, which states in essential part as follows:

> Special Powers—Subdivision 8—no municipality, or political subdivision, including but not limited to a county, city, village, "shall have jurisdiction over any facility of the authority or any of its activities or operations. The local laws, resolutions, ordinances, rules and regulations of a municipality

or political subdivision, heretofore or hereafter adapted, conflicting with this title or any rule and regulation of the authority, shall not be applicable to the activities or operation of the authority, or the facilities of the authority, except such facilities that are devoted to purposes other than transportation purposes."

Therefore, ironically, situated we have the City of New York providing full funding for the payroll and operation of the Transit Police Department, pursuant to the lease agreement, however, clearly by examining the State statute the City lacks statutory authority to mandate policy or operation changes within the Transit Police Department.

RECOMMENDATIONS

The PBA strongly recommends that the Council, through its influence, and by virtue of the City Appointees to the MTA Board, request various MTA Board Members, act to have a proposed amendment submitted to the MTA Board which would mandate the Chief of the Transit Police to report directly and solely to the Police Commissioner of the City of New York and relieve the President of the Transit Authority of his duties and responsibilities over the operation and policy decisions affecting the Transit Police Department.

PBA OPINION

Without this measure being taken, and permitting business to continue as usual, absent a merge, crimes rate of growth will not and cannot receive the proper focus under a system wherein the Chief Operating Officer, the President of the Transit Authority, has a greater influence in policy and operation of the force, as opposed to the Chief of Police who has the education, credentials, experience and expertise to manage the force, but who at times, is apparently influenced by the President of the Transit Authority and must yield to his greater authority.

The current practice leads to tremendous confusion within a police agency, which is a quasi military organization, functioning under the supervision of an individual whose major commission, and rightfully so, is dedicated to mass transit issues as a priority which include, items such as the on-time performance of train and bus schedules, as opposed to serious felony crime.

I want to make clear to members of the Council that I am not trivializing the Transit Authority President's duties, but merely drawing a distinction, while highlighting priorities.

The PBA is so convinced that this practice has significantly contributed to the crime picture in the mass transit system that we intend to design a campaign on the State level to influence this change. (Emphasis added.)

NARRATIVE

Second: Radio motor patrol coverage.—This area of my testimony concerns marked radio cars, with their primary function being to respond to police emergency calls in an efficient manner, to provide help or to assist a crime victim, aided cases, evacuations, or additional police assistance to foot patrols.

Currently there is an allotment of 119 vehicles dedicated to police response which include 54 marked radio cars and 64 unmarked radio cars.

An investigation which I conducted on May 4, 1990 revealed that 12 of the marked radio cars out of the 54 total numbered fleet, were not available for service because of mechanical problems and or routine maintenance. The loss of 12 radio cars represents greater than 20 percent of the entire marked fleet not in service. While the 20 percent may seem high at any given time, it is actually low, which sometimes exceed 40 percent of the marked fleet.

Less than 50 percent of the entire complement of 119 vehicles allocated to the Transit Police Department are actually committed to patrol and response functions. With only 54 marked radio cars available, the remainder are allotted for detail functions, supervisory functions and other non-patrol related functions.

Also subtracted from the 54 marked radio car fleet, are cars which are specially designated for supervisory patrol, as in ushering a duty Captain to various locations, with the car being taken out of service while the Duty Captain conducts supervisory investigations, which most frequently are very lengthy.

Recently, the Transit Authority reduced the number of vehicles allocated to the New York City Transit Police and capped the allotment at 119 vehicles.

Radio cars removed from service for repair or ordinary service are left remaining out of service for unusual and long periods of time, with delays caused by the cur-

rent Transit Authority repair shops, which are relied upon. The Transit Authority absolutely does not place enough importance on giving repair of police vehicles a priority in their various shops.

With respect to the 54, marked car police fleet, only 24 cars from that fleet are designated to the 12 police districts, covering the entire city, broken down to 2 marked radio cars per district. All of the 24 cars designated for patrol are operated 24 hours a day, similar to some taxicabs in the city, which undoubtedly contributes to the breakdown frequency.

SYNOPSIS

Total number of vehicles allotted for police function	119
Total number of vehicles marked for police responses	54
Daily average number of vehicles remaining out of service	20%+
Marked radio cars committed to supervisory patrol	5%+

Currently, there is no procedure in effect which would guarantee replacement of vehicles taken out of service for mechanical problems or service, and frequently a police district finds itself with only one vehicle in service and on a fairly regular basis, with no vehicles in service.

Needless to say, once again, the victims are the members of the public who will experience delayed police response under emergency circumstances.

RECOMMENDATIONS

Clearly, this can added to the long list of reasons why we should merge, however, under any circumstances the RMP fleet is the life line between the police and the public in emergency situations, yet it is under-funded and neglected.

Steps must be taken to utilize the allocated vehicles allotted for the Transit Police more effectively.

For instance, it is grossly unacceptable to have only 54 marked radio cars, prepared to adequately respond to the growing needs of the ridership, when we stop to realize that the public is being victimized in epidemic proportions.

It is even more troubling to accept the commitment of only 24 RMPs, from the marked fleet of 54 RMPs, designated to police districts which are responsible to patrol their given areas of the subway system on a 24 hour basis.

The bottom line here is that someone has lost sight of the purpose of having any vehicles designated to the Department, when only 20 percent of all of the vehicles are committed to police districts.

The PBA strongly recommends that with the exception of only those vehicles absolutely required as unmarked vehicles, all other police vehicles currently allocated to the Transit Police Department be marked, immediately, and be made available to increase the current fleet of 24 vehicles, which is currently available for district response. This measure would guarantee additional vehicles prepared for emergency police response to crime victims, aided cases, and additional support for single person foot patrols. This measure would further guarantee that it would be less likely, at any given time, for a police district to find itself without one radio car available, and at certain other times, no radio cars available.

The PBA further recommends that any police brass below the rank of Chief, who has been designated an unmarked car, from the complement of 119 cars allocated, which they keep on a 24 hour basis, be stripped of the vehicle, with the vehicle being marked and designated for patrol.

The PBA additionally recommends that all marked radio cars taken out of service for repair, be serviced at other than Transit Authority shops which will give priority to the repair, guaranteeing a return to service as efficiently and timely as possible.

The PBA furthermore recommends that an inter-agency agreement be put in place between the New York City Police Department and the New York City Transit Police Department, which will allow for the use of city marked radio cars to be used by the Transit Police in the event that any district is not provided with a minimum of at least 4 RMPs, which are available for police response. The PBA must emphasize that the total number of RMPs currently allocated to the agency for real patrol functions is dangerously inadequate.

The PBA further recommended to the former Chief, early in January of this year, that the Department, at least on a pilot basis, begin deploying scooter patrols from each district in the Transit Police Department, which would enhance mobility, leading to a more efficient response and result in a higher rate of apprehensions following a crime.

PBA OPINION

Should the past practices described herein be permitted to continue, no realistic guarantees could be given in combatting spiraling subway crime.

It would most definitely be a mistaken view that the Transit Police could operate effectively in carrying out their police mission without an adequately staffed fleet of marked radio cars, and it is the duty of both the New York City Police Department and the New York City Transit Police Department to work in harmony at guaranteeing both an active fleet and a reserve which is prepared to respond to the needs of the public.

narrative

Third: Two-person patrols.—Currently there is a minimum requirement imposed on the Department by virtue of a written agreement between the PBA and the Transit Authority which guarantees two man patrols in designated areas of the subway system during certain hours and subject to various exceptions. While the subway system has grown even more dangerous for the ridership, it has equally become more dangerous for the police.

In a day and age where society overly scrutinizes police actions and the use of force, it is incomprehensible to believe that the Transit Police could, in good conscience, deploy a single person, with the expectation that the individual police officer could even hope to effectively or safely enforce the law.

This problem is compounded by the lack of adequate radio cars which makes single person patrols even more dangerous while operating in a environment wherein the average citizen would choose to run.

If in fact the Transit Authority is serious in its mission to combat violent subway crime, they cannot hope to begin until they come to realize that an ill-equipped, single person patrol officer, under a great many circumstances, is a helpless officer.

The crime pattern plaguing the subway system is more frequently becoming crime patterns, perpetrated by what the Transit Police have termed themselves at times "wolf pack attacks".

Absent beating or shooting the wolf, the hunter becomes the hunted.

Therefore, if the Transit Authority truly wishes to carry out a police mission, with a minimal amount of force, the idea of single person patrols should be condemned to the history of the Department, with the future wave being two person patrol deployment.

RECOMMENDATIONS

The Transit Police should deploy its uniformed force in teams as opposed to single person patrols. This would permit police officers to patrol with a greater degree of confidence involving police confrontations, wherein there are multiple offenders. A two man patrol practice would serve to defend against commonly failing radio communications, wherein the single officer currently calls for help with his voice not even being heard.

A survey of the existing dual two-person patrol service areas, which were created in 1980, has served to reduce assaults against police officers and enhanced apprehensions, with the ultimate objective of better policing, having been met.

PBA OPINION

Considering the lack of adequate radio communications, the upward crime trend in the subway system, wherein more serious violent felony crimes are being perpetrated, coupled with the risky environment for policing inherent in the subway design; i.e., narrow platforms, deserted areas, overcrowded areas, 600 volts of electricity, moving trains and a system riddled with emotionally disturbed persons, steps must be taken to ensure the safety of the police officer who is charged with the duty to confront this element as a matter of law.

Furthermore, if there is a sincere effort on behalf of the government to minimize the use of physical and deadly physical force by the police, who are carrying out extremely dangerous duties, then the government must sanction measures which would guarantee superior equipment and sufficient assistance as the method of deployment which will achieve quality policing.

Fourth: Promotional opportunity.—A police officer assigned to the City subway system, as a member of the New York City Transit Police Department, is limited by the lack of career opportunities.

By comparison, their counterparts in the New York City Police Department have greater opportunities for special assignments, which include, but are not limited to; 14 percent of the New York City Police Department detailed to the rank of Detec-

tive, as opposed to only 5 percent of Transit Police members detailed to the rank of Detective, with staggering disparity also existing in the ranks of Sergeants, Lieutenants and Captains. Additionally, special units such as highway, mounted, harbor, narcotics, etc., are simply not available within the framework of the Transit Police.

A clearly defined career path within the agency has not been established and is non-existent, therefore, leading to even greater frustration by the agencies members.

Without belaboring the Committee with the results of numerous studies which have been conducted across the nation, concerning the inherently stressful nature of police work, with police officers suffering from the typically coined phrase, "burn-out", the environment of the subway system, coupled with the lack of career design, contributes to an unusually high number of police officers whose careers will be short-lived, primarily due to these elements.

RECOMMENDATIONS

The Transit Police Benevolent Association emphasizes its leading recommendation which is to merge the New York City Police Department with the New York City Transit Police Department. Without this measure being taken, the Transit Police Department must have a clear program which focuses on career development which its members can depend upon.

PBA OPINION

Absent a restructuring, with a clear career development program, coupled with equal promotion opportunity, the force will continue to be plagued with morale problems, with the membership seeking to leap-frog from its ranks.

Fifth: Health hazards.—Considering the occupational environmental hazards of the subway, such as constant, high levels of noise on a regular basis, the breathing of steel dust, which is a product resulting from the trains operation, there is a serious health risk, which will impact on any individual over a period of years.

For this reason alone, police patrols should be rotated out of the system. (Emphasis added.)

RECOMMENDATIONS

Once again this issue is among the great many significant issues which serve as convincing evidence to support a merge. Police patrols must be, at the very least, rotated out of the subway system.

PBA OPINION

Absent a change in the current practice, which condemns police officers to patrols underground for an average of 20 years, there will be no real change in the objective or agenda of the Union which is strongly opposed to the current arrangement.

NARRATIVE

Sixth: Disparity in benefits.—Under the current collective bargaining arrangement, most issues, including salaries, among members of the New York City Police Department and the New York City Transit Police Department, represent parity settlements.

The exception to this rule is the defined benefit, which represents a pension escalator, in addition to the ordinary one-half 20 year payment retirement. The defined benefit is the product of negotiations between the New York City Police Department PBA and the City of New York, 1986 session. It is a result of a negotiation agreement wherein the New York City Police Department PBA agreed to the guaranteed income feature of the defined benefit as opposed to the one time uncertainties featured in the variable supplement fund.

Currently, members of the Transit Police are covered by a variable supplement fund which has not progressed to the point of delivering any supplemental income, in addition to the ordinary service retirement, however, according to the experts in the field it is anticipated that shortly the variable supplement fund, which currently covers the Transit Police, should become a worthy negotiating item, which may ultimately result in the equivalent defined benefit covering New York City Police Department.

RECOMMENDATIONS

This should not be an obstruction in achieving full consolidation since it will become the duty of the Union to negotiate its terms in the best interest of the membership.

CONCLUSION

Hopefully, the PBA has served its part in providing information to the members of the distinguished Joint Committees.

Quickly summarizing our position, the arguments for, and the arguments against a merge have gone on far too long. During this time it has become increasingly apparent that there are problems plaguing the New York City Transit Police Department and its operation and its policy, which are most likely best handled by police professionals as opposed to ranking Transit Authority brass.

For this reason the PBA, on behalf of the membership, urges your careful consideration of the issues and is depending strongly upon the influence of your respective offices to do what is right for the public interest.

MONEY AVAILABLE FOR TRANSIT POLICE

Mr. REALE. I could not agree more with the sentiments as expressed by my distinguished colleague, Mr. Phil Caruso. And the Senator and I have met on this issue privately, and we have a good understanding that this is, in fact, in the past few weeks one of the only proposals where, in fact, it is practical because the money is there.

It is not unlike a family budget where you budget x number of dollars for food and x number for rent and so on and so forth, one of the kids get sick, and you have to shift something around because it is an emergency. That is what we are involved with right now, an emergency. And we really desperately need added resources in the transit police department if we are able to effectively combat crime.

As you know, the last time these Senate hearings convened was 6 years ago; that was on the heels of Police Officer Irma Lozado being slain in the subway. At that time your commission recommended very strongly that the TA address the radio problem. Six years later no movement on that.

Only recently a mere $10 million commitment to get new radios which depend upon the still antiquated broken down antenna system, we still need $120 million to cure that problem, and this is 6 years later after this committee made those recommendations.

So what I am trying to express to you in very simple terms is, do not let the MTA walk away from here and get away with anything, you will find it is in a lot of their projects, and make them understand what in fact the priorities should be.

Robert Kiley's opposition to shifting those funds comes as no surprise to Ron Reale, because Ron Reale is well aware of the fact that the MTA never considered the police a priority. And now the chicken is coming home to roost because they never properly equipped them.

Suddenly, they are deciding that they are going to listen to the chief of police and adopt some of his initiatives and we are starting to see some movement. I hope that that movement is intensified in the future. And I hope that this Senate committee looks over their shoulders when they leave here to see what the MTA does to back up what your recommendations will ultimately be. Thank you.

Senator LAUTENBERG. Thanks very much, Mr. Reale.

Sonny Hall will testify for the Transport Workers Union. Mr. Hall.

TRANSPORT WORKERS UNION

STATEMENT OF SONNY HALL, PRESIDENT

Mr. HALL. Thank you, Senator. I will try to cut through this a little bit so it will be within the 5-minute limit.

The grim reality of crime, assaults, and murders in our transit system has long been recognized by this union as well as every transit worker in the field. We applaud Senator Alfonse D'Amato's effort to develop funds for dedicated response to the extraordinary high level of crime in our transit system and our city. The need is immediate. Therefore, the proposal by Senator D'Amato to use Westway trade-in funds, some $1.1 billion, is an idea whose time has come.

In addition, there are several other immediate steps, immediate steps, that should be taken to make the transit system safer and serve the public better. The loss of newsstands on the platform added to the lack of security in the system. That is now being wisely addressed by TA President Allen Keipper.

The massive reduction of subway platform uniformed conductors also can be tracked directly to violence and suicides occurring on the platform. We had literally hundreds of platform conductors that used to be right at the area where most of these are now being conducted, but almost all of them are gone now. We have people who can fill the task of platform conductors and it should be done at once. This can be done now, not a year from now. The issue of communications is as vital to transit workers as it is to the transit police.

Sadly and irresponsibly, management at the highest levels within the Transit Authority has never given a dedicated effort to do everything in its power to assist transit workers in the area of preventing crime and/or reporting crime and injuries when they do occur.

It is extremely sad that the murder of a young man by the name of Brian Watkins, a tourist to New York, has appeared to trigger real concern. This union warns against a quick fix which is cosmetic and will soon be forgotten by the Authority.

The Transit Authority must be put on notice that their failure to respond in a responsible way to repair defects in communication systems will result in the most severe penalties to managers who are held responsible.

Management has been forced to admit that the emergency hot line in the token booth area where Mr. Watkins was murdered had been out of order for over 3 months. Yet, just a few days after the death of Mr. Watkins, the phone was mysteriously repaired. Where was the priority in this communication before the death? Why was there no action?

This is despite the fact that 69 felonies occurred at this very station during 1989 and 1990, making it one of the top most dangerous of the 469 subway stations. We have attached to this report copies of just a few of the many reports our union has made about the

failure of the communications systems within token booths. The truth is many of the booths not only do not have emergency hot lines not working but also the regular phone does not work, leaving the employee with no communication at all.

Just a few months ago in desperation and fear for the safety of both the transit employee and the transit rider, we put management on notice that we would direct our members to refuse to operate a token booth with no communication. The fact that the union was forced to take this drastic action clearly demonstrates that the TA management had a very low priority for safety communications.

Their response to our union over the past few years is what they are again repeating. TA spokesman Gardner said, and also Mr. Kiley I believe today, communications in token booths should improve drastically with the institution of what he describes as state-of-the-art equipment now slated to come on line by February 1991.

This has been the traditional copout. That was the official policy and that is why a low priority, if any priority at all, was given to repairing phones in token booths. Clearly the top priority was graffiti clean subways and subway trains. And sadly, the political leaders and the media ate it up. See how pretty the trains look. Are we not doing a great job?

And now the tragedy of tourist Brian Watkins and we are all outraged. We must demand immediate and long term commitment from the Transit Authority. Lord knows they have enough bosses to get the job done.

I sincerely hope that this committee will insist that criminals who commit crimes in transit are punished. And I also believe that should include irresponsible TA managers who do not take responsibility for their jobs and death and injuries occur as a result of that failure.

Let me just add, it was difficult to sit here and not only watch the Watkins family in their horror and their sincere loss, also honestly believe in their hearts that transit workers in the system, particularly the railroad clerk, may have failed them. Not even the fact—say, Mrs. Watkins, that the railroad clerk in fact did not even respond.

Now, I know how tragic this was and how difficult a moment it was. But I would just like to remind everybody here including Mrs. Watkins that before she even arrived at the token booth somebody had run up the stairs—a cleaner—and had reported that to that token booth person and he in turn had told that person to call 911 because his phone was not working, it is not because they did not care. But I can understand Mrs. Watkins, who had just been assaulted herself.

Let me tell you this, transit workers care. And I would like to remind also everyone in this room, that we did not get this kind of response when railroad clerks were firebombed to death. We had several die in flames because somebody tried to steal tokens from them. We did not get this kind of response when hundreds and hundreds of my members had been injured, in particular railroad clerks.

So I would say we need the help, we need the assistance. And again, I applaud Senator D'Amato's action to trade in these kind of

funds for the transit system and for the city of New York as a whole.

PREPARED STATEMENT

Senator LAUTENBERG. Thank you very much, Mr. Hall. We have your prepared statement and it will be made part of the record.

[The statement follows:]

STATEMENT OF SONNY HAIL

The grim reality of crime, assaults and murders in our transit system has long been recognized by this Union, as well as every transit worker in the field. We applaud Senator Alfonse D'Amato's effort to developing funding for a dedicated response to the extraordinary high level of crime in our transit system and our city. The need is immediate. Therefore, the proposal by Senator D'Amato to use Westway trade-in funds, some 1.1 billion dollars, is an idea whose time has come.

There are additional other capital transit funds that should also be considered to be used for operating purposes for the next two or three years, understanding this city and state will be obligated to pick up the responsibility after the two year period. The idea of obtaining immediate law enforcement improvement by using capital dollars for operating on a relatively short basis has the complete support of the 37,000 member transit union. However, it would be our understanding that the additional operating dollars obtained by capital temporary trade-offs would be used to fill the operating deficit for the transit system so the transit fare remains in the reach of the community and transit workers are not asked to subsidize the system.

In addition, there are several other immediate steps that should be taken to make the transit system safer and serve the public better. The loss of newsstands on the platform added to the lack of security in the system. That is now being wisely addressed by T.A. President Allen Keipper. The massive reduction of subway platform uniformed conductors also can be tracked to more violence and suicides occurring on the platform. We have people who can fill the task of platform conductors and it should be done at once. The issue of communications is as vital for transit workers as it is for the transit police.

Sadly and irresponsibly, management at the highest levels within the Transit Authority have never given a dedicated effort to do everything in its power to assist transit workers in the area of preventing crime and/or reporting crime and injuries when they do occur. It is extremely sad that the murder of a young man by the name of Brian Watkins, a tourist to New York, has appeared to trigger real concern. This Union warns against a quick fix which is cosmetic and will soon be forgotten about by the Authority. The Transit Authority must be put on notice that their failure to respond, in a responsible way, to repair defects in communication systems will result in the most severe penalties to managers who are held responsible.

The following factual case history is supporting documentation of our statement. We have attached a copy of the *Newsday* article written on 9/11/90 headlines—"Subway Hot Lines Obsolete,T. Say's." This is the standard response by the Transit Authority on situations they have failed to properly respond to. The article quotes T.A. spokesman Termaine Gorden. The T.A. concedes "They don't know the full extent of the communication breakdown in their token booths. We know the system wasn't very reliable." The Authority spokesman goes on to say "they are making a comprehensive survey of all 741 token booths in New York that they hope to complete sometime today". What has now triggered their concern? Surely it wasn't the death of Brian Watkins, many deaths have occurred in the subway including the fire bombing deaths and injuries to ken booth clerks. What has occurred now to give them the kick in the pants they needed to wake them up to their responsibility? It was the public and political outcry they saw developing.

T.A. management is now aware of how much of their failure to do their job is being exposed. Management has been forced to admit that the emergency hot line in the token booth area where Mr. Watkins was murdered has been out of order for three months, yet just a few days after the death of Mr. Watkins the phone was repaired. Where was the priority in this communication before the death? Why was there no action? Despite the fact, 69 felonies occurred at this very station during 198 and 1990, making it one of the top most dangerous of the 469 subway stations. We have attached to this statement, copies of just a few of the many reports our Union has made to management about the failure of the communication system within

token booths. The truth is many of the booths not only had emergency hot lines not working, but also the regular phone did not work, leaving the employee no communication at all. The Authority's response was that they informed the Railroad Clerk to find another token booth that had a working phone and report their assigned work area had no communication, then return to the booth area that had no communication.

Just a few months ago, in desperation and fear for the safety of both the transit employee and transit rider, we put management on notice that we would direct our members to refuse to operate a token booth with no communication. The fact that the Union was forced to take this drastic action clearly demonstrates that T.A. management had a very low priority for safety communication. The response to our Union over the past few years is what they are again repeating. T.A. spokesman Garden said, "communications in token booths should improve drastically with the institution of" what he described as "state-of-the-art" equipment now slated to come on line in February, 1991. How many more innocent people will die between now and February, 1991?

This is has been their traditional cop out, that was their official policy; and that is why a low priority, any priority at all, was given to repairing phones in token booths. Clearly the top priority was graffiti-clean subways and subway trains, and sadly the political leaders and the media. Eat it up, see how pretty the trains look! Aren't we doing a great job? Let's not talk about those who are killed or murdered or assaulted in the subway system. And now the tragedy of tourist Brian Watkins, and we are all now outraged. We must demand immediate and long term commitment from the Transit Authority, Lord knows they have hired enough bosses to get the job done.

I sincerely hope that this Committee will insist that criminals who commit crimes in transit are punished, and I also believe that should include irresponsible T.A. managers who do not take responsibility for their jobs, and deaths and injuries occur as a result of their failure.

DISCOURAGING INTERAGENCY DISPUTES

Senator LAUTENBERG. There has been a lot said in these few minutes and the one thing that I do not want to encourage or permit is interagency disputes.

This is not to see whose fault what is, because there is only one party in this room that paid the ultimate price for somebody's misaction or somebody's ugly deeds. What we have to do is to see how we can solve the problem collectively.

And I have got to admit that when I hear Mr. Caruso or Mr. Reale or Mr. Hall make their case, it is a very appealing one, it really is. And I am not one who says, do not put police on the streets or do not put police in the subways or do not have uniforms out there or do not have the kind of force, not at all.

Let us not have any misunderstanding about whether or not this Senator, the chairman of this committee who lives in New Jersey that has some of the exact same problems, is saying that we need less law enforcement. I am for law enforcement. Ask any of the PBA people, ask any of the police departments in the State of New Jersey and they will tell you who is there with them because I really believe it. But nothing operates in a vacuum in as complicated a situation as we have got here.

Mr. Hall, do you think that if we suddenly come upon a pot of money, some funds available that it should go exclusively to the police department and transit?

Mr. HALL. I will say two things. One, of course, we have to keep in context what we are talking about at this moment. The offer right now is the trade-in of Westway dollars, which has been the laughing stock of not only New York State but of the Nation, if you will. The money is sitting there and they are still arguing

about whether maybe the fish in the Hudson are going to be deteriorating.

Senator LAUTENBERG. Let us leave that aside because that is not what we are discussing. We are not talking about the virtues of Westway, I am not trying to defend it, I never liked it.

Mr. HALL. Well the answer is yes, Senator, the answer is yes.

Senator LAUTENBERG. OK. So your vote, you are from the Transit Union, your vote is to take whatever money we get and put it in police. You do not want to see more transit workers there, you do not want to see platform people, you do not want to see——

Mr. HALL. Would the Senator like to make my statement for me? You can write it out and tell me how to read it.

Senator LAUTENBERG. No; well you made it and you made an appeal for platform people. You said we used to have them. I am inclined to agree with you.

All I am trying to do is to show everybody here that it is not just pushing a button saying, appear trained and qualified police officers, because you have transit workers who you say do not have the instruments with which to work. You have transit workers who themselves paid a terrible price.

Mr. HALL. Again, Westway funds should be made available immediately for the use of the transit police, conductors.

Senator LAUTENBERG. Let us pretend we have funds available, forget about Westway please, let us pretend we have funds available. I am asking you now do we just go ahead and commit every dollar of reserve funds that we have to police and you do not need any more transit workers or——

Mr. HALL. Of course not. But do we take a dedicated amount, a commonsense amount with people who know the system? Yes, absolutely. Can provide now without very little more dollars to the operating authority in terms of conductors? Yes; we have *x* number of people now, the disqualified bus drivers, who are sitting home getting paid. Why not talk to them about being a platform conductor? What about motormen who no longer can operate a train because their eyesight is a little off.

Senator LAUTENBERG. OK. I think I hear you say that we need additional personnel as well as——

Mr. HALL. Of course.

Senator LAUTENBERG. Mr. Reale, what do you think are the most difficult things for your members, your friends, your comrades, to do in terms of fighting subway crime, what are the things that they need most, do you think?

Mr. REALE. Predominantly we are faced with a communications crisis with the radios. I think that the committee already understands that, you have looked at it before and made certain recommendations. It would be very helpful to get the necessary funding in order to properly equip the police officers with the proper radios.

Senator LAUTENBERG. Are your people demoralized?

Mr. REALE. Yes; in my written text, Senator, I put in the fact that our ideas promote the theory of one police department under the police commissioner and the city of New York as opposed to the MTA. And we believe that the police commissioner would be more sensitive to our needs and better prepared to respond more

rapidly and efficiently to rising crime in the subway system. We do not think that the MTA is the proper manager for a police force.

Senator LAUTENBERG. Are you aware, are there pay differentials for those who are assigned to special high crime places or areas?

Mr. REALE. Absolutely not.

Senator LAUTENBERG. Is that a recommendation that would be made equivalent to combat pay in the military, that kind of thing?

Mr. REALE. The city has turned into a combat area.

Senator LAUTENBERG. Mr. Caruso, I see you shaking your head. I assume that meant no. What do you——

Mr. CARUSO. No, Senator; because any police officer in any location at any given time can be working in a critical and hazardous milieu. The fact of the matter is, and I think Ron just stated it and hit the nail right on the head, the whole city is an armed camp right now and we have had police officers killed in what were previously considered very quiet bucolic areas.

Senator LAUTENBERG. How about do we need additional security training, do you think, Mr. Reale, for transit workers that might be assisting the police in doing their work?

Mr. REALE. Any money spent on better educating the employees of the transit system is spent very well, and that always was.

Senator LAUTENBERG. I would ask either Mr. Hall or Mr. Reale, at this point you are saying your recommendation is to cease the expenditures on capital equipment, platform illumination, the other things of course we have to include radio communication, as contrasted to just investing in transit police at this time.

Mr. HALL. Well speaking for myself, that certainly is not my response. Again, in Westway, yes, and I know you do not want to hear that anymore, but the copout, for example, we have now *x* number of phone repairers on the payroll and we only had two that were assigned prior to the death of Brain Watkins, we only had two going around repairing phones, now suddenly they found eight. So the fact is they are already there on the property, they need to be reassigned.

The lighting of the area cost capital dollars and any other program that would provide better lighting. It was this president that said we are making a mistake to wait so long to put in the automatic fare. We need it at the entrance of every station and we need to do it now, with new lights and also some kind of method where they cannot duck under or hop over.

So I am saying, yes; those capital dollars should be in place. But there are some very intelligent things we can do to make security safer right now.

Senator LAUTENBERG. Thank you. Chief Bratton, your report was very helpful, you acknowledged I guess what everybody sensed and that is the inordinate step-up in crime in the subway system.

Do you have any idea what comparable figures look like on other transit systems, is it crime per passenger mile or otherwise? You obviously were not born in New York, I can tell by the——

Mr. BRATTON. I was formerly chief of the transit system in Boston, and the New York situation is worse. There is no getting around that.

Senator LAUTENBERG. The New York situation.

Mr. BRATTON. The New York situation is worse.

Senator LAUTENBERG. Is worse. Is it the worst in the country, to your knowledge or are there others that are sort of comparable?

Mr. BRATTON. I would think its impact here is worse in that it is the scale, 3.5 million people a day. The chairman referenced the oddities of the city, the fact that so many people depend on it and what has been going on in the city over the several years, the attention to crime.

So numbers-wise, the information I had that we are probably per capita in worse shape than, I know definitely more so than Boston, which I am most intimately familiar with.

Senator LAUTENBERG. Now, you said here in your statement that you would bring up the force by 40 percent; was I correct?

Mr. BRATTON. The city of New York has budgeted for this fiscal year an increase in the size of the department to approximately 4,100 officers. I currently have 3,600 on the payroll. The 500 increase would not really become available until almost this time next year. The city has a big class that is scheduled for April of next year, so that is an increase of about 500, that is a year away, as Mr. Caruso has talked about, any new police a year away.

We have identified approximately 300 positions now occupied by police in the department that if civilian personnel were hired and could be trained in a very short period of time, that is 300 officers who by the end of this year, December of this year, could be returned to patrol.

We are also beginning discussions with the city for some use of overtime funds to help us out at particularly critical times on the system.

Senator LAUTENBERG. How many transit police do you need to do the job?

Mr. BRATTON. Well at this particular time I can only deal with the rule that I am operating with which is 4,100 authorized by the city, that in terms of actual numbers needed that it would really be based on what the analysis of the problem would determine; 4,500, 5,000, I really could not sit here and give you a number. I am in the same process that——

Senator LAUTENBERG. Do you have any problems attracting the numbers and quality applicants that you would like?

Mr. BRATTON. Currently the system in the city is that all personnel wanting to be police officers in the city of New York, whether transit, housing, or the city police, take one exam and are hired off of the same list.

And one of the problems contributing to morale in my particular department is that many of our officers their first preference would be to be city police. In a sense, they are drafted into the transit police.

I have no doubt, however, that for what we would be able to offer in years ahead that we would be able to recruit sufficient numbers, no matter what the need, into the transit police.

Senator LAUTENBERG. Of qualified people.

Mr. BRATTON. Well definitely qualified. Despite their morale problems, and morale problems that are quite justified, that we have a department that day in and day out the 3,600 men and women are out there plugging away in some of the worst condi-

tions any police department in the United States of America has to deal with.

And it is a credit to those men and women, despite many of them having a sense being drafted into this organization, that they are out there every day plugging away.

Senator LAUTENBERG. Do we need better cooperation between your force and the New York City force?

Mr. BRATTON. I believe that cooperation level is excellent, that we currently train our recruits with the NYPD. Myself and Commissioner Brown meet at least once a month with our respective command staffs, dinner at least once or twice a month in a more social environment, and converse. As recently as 1½ hours ago, I was on the phone with him. We coordinate quite well together. And, in fact, the NYPD provides significant backup to my police department and vice versa.

Senator LAUTENBERG. Can you think of ways that we could use capital expenditures to improve the safety factor in the subways, radios, blind cameras——

Mr. BRATTON. In my 4½ months here I have identified to the Transit Authority, after significant time spent on the system, talking to police officers, union officials, have identified what I feel are the capital needs of the department to get this department up to professional standards.

That need was $10 million, which has already been approved for a quick fix on the radio system, something that within the next 1 year to 18 months will significantly approve what we have.

Additionally, it is quite likely that the Transit Authority and the MTA board will be including in their next 5-year capital plan a request that we have documented for about $110 million to make the transit system a state-of-the-art communication system. They are also addressing quite actively my request for upgrading of transit police districts, the 12 police districts in the subways, to open these stations up, modernize them so that the transit police instead of working in what are literally dungeons, can work in state-of-the-art facilities that have been opened up to the public. Right now you can walk by any of my 12 police districts and not know they are even there.

Senator LAUTENBERG. OK. So you do see a role for improvements to be made.

Mr. BRATTON. You cannot function without some degree of support. Personnel are essential, they are the first line. But what we found without a proper communication system, we cannot help ourselves, let alone the public.

Senator LAUTENBERG. Thank you very much. Mr. Braun, I wonder if you can help me with a couple of things. I heard your comments about management and various indications that you had that things could improve, and I do not doubt that, I do not know of a system in the country that operates where we could not get better management. You talk about cost overruns, our Defense Department wins the prize there year after year, and many other departments of Government.

So we want to keep managing those systems and we want to make sure that they operate more efficiently. We have the taxpay-

er's money at stake and we have the credibility of the Government at stake.

But you are part of an administration that you know has recommended that we zero out operating transit funds for cities of this size. Am I correct?

Mr. BRAUN. That is correct, sir.

Senator LAUTENBERG. How do you feel about that?

Mr. BRAUN. I think it is proper.

Senator LAUTENBERG. You think it is proper. And you just made an appeal here to put more money in, you want to take it from Westway, and yet you think it is proper for us not to provide the transit system. I will have to admit, Mr. Braun, I am usually fairly quick but I do not get this one. Please explain it to me.

Mr. BRAUN. Mr. Chairman, the MTA sits at this moment with $2.2 billion in its cash and assets account, which probably earns $50 to $60 million a year in interest. This money comes from the State of New York in bonds that have been sold, not full faith and credit bonds, but bonds on the mortgage recording tax, on the tolls, on other things.

It can use its money if its planning is correct to help the transit worker and the transit police. In the late 1970's when I was vice chairman we put up $12 million for radios for the New York City Transit Police Department. It was the worst planning, the worst construction, the worst radios that anybody could get.

Senator LAUTENBERG. You were vice chairman?

Mr. BRAUN. Yes, sir.

Senator LAUTENBERG. That speaks well for your contribution.

Mr. BRAUN. Sir, I am not the one who bids on the radios and I am not the one that draws the specifications for it, and I am not the one that hires the so-called consultant to come in——

Senator LAUTENBERG. You went public at that time with your comments and said——

Mr. BRAUN. I was fired from the MTA for doing it, yes, Mr. Chairman.

Senator LAUTENBERG. Thank you. So you said the Transit Authority has $2.2 billion in cash and is not using it. But as far as you are concerned, the Federal Government should not make a contribution. Mr. Caruso, I want you to listen to this, he says that the Federal Government should not make a contribution to operating assistance for New York City.

Mr. BRAUN. Mr. Chairman, if I may, I come from the private sector——

Senator LAUTENBERG. Me too.

Mr. BRAUN. I know you do. And I tell you that proper management and the proper use of personnel, the proper placing of them, the watching of overtime, the watching of excess employees, et cetera, all of those things are good management. Not just putting brand new cars on or rebuilding cars or having those cars rebuilt or ordering cars where one car should cost $1.8 million and it comes in costing $4 million.

These things are wrong, they are not being watched. You can have 40 oversight committees, which they have, State, city, Federal oversight committees, but management has got to be concerned with what is going on every single day.

Senator LAUTENBERG. Do you solve that problem by eliminating the contribution of the Federal Government?

Mr. BRAUN. I think so. I think you know what 1,300 people cost, Mr. Chairman.

Senator LAUTENBERG. OK. So you approve generally then of the administration's plan to eliminate transit funding——

Mr. BRAUN. Operating——

Senator LAUTENBERG. Across the——

Mr. BRAUN. Yes; I do. I would like to see capital increase.

Senator LAUTENBERG. Well that is kind of contrary to what we are hearing today. I mean here you are saying stop operating subsidies but invest more in capital.

Mr. BRAUN. $100 million capital for radios, another $1 million or $2 million or $5 million for each police district station, these are physical things. There is nothing wrong, and the law provides, as you well know, Mr. Chairman, that police costs are allowed to be taken out of operating funds for police enforcement.

Senator LAUTENBERG. Under what UMTA programs may the Authority receive funds for safety and security programs?

Mr. BRAUN. They can receive funds for safety under the discretionary program, under the authorized program, under a small group of moneys. It is only $45 million in planning dollars for the entire United States. They have all those funds that they can receive, sir.

Senator LAUTENBERG. Say that number again.

Mr. BRAUN. $45 million.

Senator LAUTENBERG. For the whole country.

Mr. BRAUN. That is correct.

Senator LAUTENBERG. And that is money for fighting crime in transit.

Mr. BRAUN. No, no; it is for planning and other things.

Senator LAUTENBERG. Yes; but related to that——

Mr. BRAUN. It is a very small amount of money, Mr. Chairman.

Senator LAUTENBERG. In relation to the Federal dollars spent, how much do the various transit authorities like MTA spend on safety and security measures? Do you have a ratio figure on that compared to the Federal dollar expenditure, how much do we know that local authorities, States, communities, et cetera——

Mr. BRAUN. I would have to research it for you, Mr. Chairman, I do not know offhand.

Senator LAUTENBERG. Do we know whether crime is more of an issue on rail systems versus bus systems in bigger cities or smaller cities when measured on a per capita basis?

Mr. BRAUN. I am not an expert on that. I cannot answer you.

Senator LAUTENBERG. Mr. Kiley, you perhaps have a different view than some of the previous speakers. It would be of interest to me to know why you are hoarding that $2.2 billion and not getting it out there.

Mr. KILEY. Senator, for each dollar committed to the MTA capital program, the Federal Government contributes roughly 30 cents and the city of New York, the State of New York, the Triborough Bridge Tunnel Authority contributes another 70 cents.

The basis on which we raise a significant fraction of that 70 percent of capital dollars available, is to go to the money markets on

the basis of certain tax flows that have been made possible by the New York State Legislature, and we raise money at a time when we think there are the most favorable rates.

That $2 billion that was mentioned, in fact, has been raised from a variety of State-authorized sources. All of those moneys are, in fact, committed to particular projects. Just as the funds in the discretionary money available for the balance of this fiscal year, which is part of the proposal that is being talked about are, in fact, earmarked for specific projects.

Senator D'Amato announced a $176 million grant, I think the second largest grant in the history of the Mass Transit Administration just earlier this summer, that technically speaking was part of that obligated amount of money that he was talking about but, in fact, two-thirds of the money has now gone out for bid. The bids have been opened and we are in the process of——

Senator LAUTENBERG. A total sum of something over $2 billion?

Mr. KILEY. Close to $300 million. And the rest of the projects have been advertised. There are no Federal dollars sitting around in a jar somewhere that——

Senator LAUTENBERG. Is there MTA money sitting in a jar?

Mr. KILEY. All those MTA funds are clearly earmarked for existing projects that are part——

Senator LAUTENBERG. That includes the interest gathered——

Mr. KILEY. The interest gathered was projected back at the beginning of the program in 1986 and 1987, and the interest earned was either forecast and is committed to specific projects or will make up for shortfalls in revenue sources which we have been experiencing over the last 12 months in the State of New York.

So that money is not just sitting there accruing interest that is not being committed, it is dedicated. All of it will go to our 5-year plan.

Senator LAUTENBERG. Mr. Kiley, you testified before this subcommittee, Senator D'Amato was then a member of the subcommittee. Shortly after assuming your present position you stated that transit crime is one of your highest priorities and subway rider surveys rated, as we have heard from some of the others, that fear of crime is the single biggest concern about the system. Is that still true?

Mr. KILEY. Yes; as I said in my opening remarks.

Senator LAUTENBERG. What have you done over the past 6½ years, can you just give us a quick summary, to combat transit crime?

Mr. KILEY. Well first of all, I think I should try to put this in some context, and I do not want to bring into this room differences that may exist in this city about how the transit police are managed or organized, but the fact is that historically the city of New York has had the responsibility for funding both the operations and making capital investments in the transit police until very recently.

We have made a commitment at the MTA that we are prepared to go forward with a capital investment plan for the transit police. The question of who funds the transit operations, that is, particularly the personnel for the transit police, is still one that falls on the city of New York.

But we are prepared to go forward, and the $10 million grant that was made for the so-called quick fix of the existing communication system, is emblematic of that. And in our third 5-year plan, which is near its final stages now, there will be somewhere in the neighborhood of $110 to $115 million committed to capital improvements in the transit police including a very modern communication system.

So during the period of 1984 to 1989 there were also additional transit police officers, again, funded by the city of New York, that was a determination by the city of New York, so that the transit police force has come up closer to its original strength than even the NYPD has managed to do.

The hiring of Chief Bratton, is the first person who has come from outside the transit or the NYPD. We wanted to find someone who had a substantial background in transit policing, who was an innovative thinker, and I think everyone who has watched him at work would agree that this is a very aggressive chief who has an impressive program for police improvements. And he has been the first to remind us that it takes resources to do this, and we intend to do it.

Senator LAUTENBERG. Mr. Kiley, if you had additional money available where would you spend it?

Mr. KILEY. If there were additional money available I would spend it on additional personnel. But the very first priority would be on the equipment and the tools that the police need to get their job done.

Senator LAUTENBERG. Are you talking about prettier subway cars?

Mr. KILEY. Well——

Senator LAUTENBERG. That is the assertion, you heard it. I think it is very important that you describe what you mean by additional capital equipment, I mean——

Mr. KILEY. We are toward the end of the ninth year of a $16 billion capital investment program for the whole of the MTA, that includes close to $12 billion for the Transit Authority itself, and yet we are only about halfway done with the job of bringing the existing system back to a state of good repair. We will be back looking for additional investments.

By and large, 85 to 90 percent of those capital investments in the Transit Authority will be in rolling stock, in stations, in maintenance facilities, in keeping up with the track——

Senator LAUTENBERG. Does it make it safer?

Mr. KILEY. It certainly makes it safer because——

Senator LAUTENBERG. You are talking about safe from an operating standpoint or from a crime-free environment standpoint?

Mr. KILEY. A station that is well lit, that is reconfigured to get rid of architectural mistakes of scores of years ago, that has modern acoustics, PA systems that work, video displays that give information quickly, these are all investments that go right to the heart of safety and security.

Almost any investment that we make in the subway system itself is an investment that at least partly affects the safety of our passengers. Crime is not the only issue that affects passenger safety.

Lives are at stake not just because of criminals, God save us from them, but because of other flaws in the physical plan.

Senator LAUTENBERG. Excuse me. The Watkins family, you are leaving now, we thank you once again for being with us.

Mr. Kiley, you have heard the proposal that is being reviewed at this hearing and that is to make the commitment immediately to put on additional police for a period of time as opposed to continuing to invest in the structure of the——

Senator D'AMATO. Mr. Chairman, if I might, and I appreciate the great latitude that you have given to this Senator, but I have not suggested, nor does my proposal that the city sacrifice needed capital improvements for more police. However, the question as propounded in the past to a number of the witnesses, implies that this Senator is suggesting that we give up capital infrastructure improvements, and that is not the case.

Senator LAUTENBERG. You will have your turn, Senator D'Amato, in just a minute. You have every right to say whatever you would like and I respect it, we are friends and we will continue that way despite a momentary difference.

Mr. Kiley, the question about whether or not capital funds, and we will rephrase it, whether capital funds in the subway system are required to make it a safer system or can we do what we want exclusively by investing in one department or another?

Mr. KILEY. The bulk of the Federal discretionary funds that will be committed by the end of this calendar year that have been made available by the Urban Mass Transit Administration will go for projects that have a very direct impact on safety.

For example, a major fraction of the unexpended, uncommitted funds will be going for signalization and rehabilitation of three major—signal systems are antiquated, they are not dangerous but they are well behind the state-of-the-art and the sooner we can get them repaired the safer the operation will be, it may be less to human judgment and human error. So these are investments that are crucial to the safety of the subway system.

Senator LAUTENBERG. Thank you. I want to state for the record that if I misconstrued Senator D'Amato's intent, that I apologize for it, because I know that he does a lot to use funds that he believes are available for the purpose that he stated.

And I am not suggesting that you do not want capital investments in the system and if that message was conveyed, then we must correct that.

And what we are talking about, Senator, is just whether or not we can solve the problem exclusively by putting on personnel or whether we have to continue to do other things because you and I have an enormous responsibility.

You, Senator D'Amato, are on the Authorizing Committee, you are on the committee that designs these mass transit programs, you are on the committee that is way ahead of my committee that says where our money should go, how it should be raised, what we should be doing with it.

And so obviously when we are back, and when you are considering the transit bill for next year under the Banking Committee, I am sure you are going to be looking at that. But I think it is important that the record reflect our respective views on these things.

And now after much time, Senator D'Amato, the floor is yours.

Senator D'AMATO. Well thank you, Mr. Chairman. First, let me again thank you for this hearing today that comes at a time in which we face, I believe, a crisis in confidence as it relates to providing domestic tranquility for our people.

Second, Mr. Chairman, I did with some pride author the amendment which provided billions of dollars worth of capital assistance as a result of one penny of Federal gas tax being set aside for transit, and I take great pride in that.

Third, I think it is only fair to note that the capital program has been an integral part of retaining and increasing ridership over the years and that the Authority has taken a system that was plagued with breakdowns, failures, accidents and has done much to enhance its reliability and its safety. And it continues to do that by way of the equipment that is being refurbished, rebuilt, and that is absolutely essential. This Senator has always supported those efforts.

The program which we have offered as a way in which to provide additional resources during this crisis, in no way would suggest a curtailment of the MTA's capital programs. As a matter of fact, those programs will go forward at the billion-dollar-plus level regardless of whether it is Westway funds or $250 million from capital programs, and indeed there will be better than $300 million in capital dollars that will flow directly to the TA.

Starting October 1, there will be over $170 million available to the MTA as a result of capital formula money in addition to discretionary capital funds. So this Senator is not suggesting the abandonment of the capital program.

Some editorial writers have questioned are we simply going to scrap those capital needs for the emergency that exists? I would respond that that certainly was not intended nor can my proposal fairly be interpreted in that manner.

What we are doing is suggesting that there is a pool of revenue available. Given the extraordinary times that we have, given the extraordinary fiscal dilemma that faces State and local governments and their various operating authorities, and given the fact that most people have recognized that some level of increase, substantial in nature, needs to be given as it relates to providing security for our people, police to be more explicit, that this Senator has suggested that by way of a combination of factors that these moneys could be drawn down on.

Indeed it may be that the numbers that have been suggested will not work as a result of spend-out rates. It may be that instead of 3,400 or 4,400 police officers, combining the dollars that we have identified, may be far in excess of what practically can be implemented, but it is a rough outline as to how one could proceed.

It may be that there would be fewer in number and that the spend-out rate being slower would provide more than 3 years, it would provide 4, 5, or 6 years to accommodate Federal budget levels as well as the ability to train and to implement the program.

But what it is intended to do is to suggest that we have a serious problem, and here is a possible way of solving that problem by using resources that otherwise, for good purpose, were restricted for infrastructure. And so I say to those who may be for it or those

who may be opposed or those who have legitimate questions, to stereotype my plan as saying that it would mean the abandonment of capital programs would be inaccurate.

To attempt to suggest that this program is a panacea for all of the MTA's problems would certainly be irresponsible. Nor does this Senator suggest that his plan if adopted, if implemented in accordance with the law, is going to bring about domestic tranquility in and of itself. But it is a step to meet the problems which are of a crisis nature.

So, Mr. Chairman, I want to thank our witnesses for their participation. I also want to take this time out to urge again, and I say this with all due humility, that all of us should take the opportunity at every level to examine the functionings of government, to see if we cannot do a better job. It may be that a crisis upon us will bring out our best and there may be some valuable suggestions that heretofore we were not willing to explore that we should now examine. Remember, we are all in this together.

The loss of confidence in the institutions of government being able to meet their responsibilities, has already brought about devastating consequences to this city.

I think we can come together. It does not have to be the D'Amato plan or the XYZ plan, but the manner by which we can draw upon the best resources that we have, and the best minds that we have. We must preserve the openness that sometimes is beclouded as a result of whether a suggestion derives from management or whether it is from labor. We must pool our resources and talent to make the best of what we have to deal with what I believe to be a very serious problem.

If there continues to be a lack of confidence in terms of people riding the transit system, ridership will continue downward, revenues will go down and, therefore, there will be a lot less in the way of services that we will be able to afford. We will have less funds for the cleaners, the token clerks, the telephone systems, et cetera, and that will be tragic.

I would hope that those at the witness table and those in other areas of responsibility, and certainly including ourselves, will keep themselves in the posture and position where they can respond to this challenge with the resources that are available, maximizing them wherever possible.

Again, Mr. Chairman, I thank you and thank the staff who have done an extraordinary job in a short period of time. Obviously we are deeply indebted to the Watkins family for their participation today, and to all of those who are at the witness table, I thank you and I think we have had a good hearing.

Senator LAUTENBERG. Thank you very much, Senator D'Amato.

I too want to be sure that the record reflects Senator D'Amato's diligence on behalf of his State, whether it is fighting crime in terms of cutting off the drug flow or public housing or street crime or transit crime, Senator D'Amato is always there. Where we differ is on whether or not the funds can be taken from one account and given to another.

We will certainly take a look at it as we do with things that Senator D'Amato requests, we will take a good hard look. It is not

going to be easy, as you know, because of the financial crunch that we find ourselves in.

CONCLUSION OF HEARING

But we thank each one of you for participating today. And with that, this hearing is concluded.

[Whereupon, at 3:36 p.m., Monday, September 17, the hearing was concluded and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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